

## **EXHIBIT 53**



**VICTOR HAKIM  
MELTON vs. GENERAL MOTORS**

June 11, 2013

<p style="text-align: center;">1</p> <p style="text-align: center;">IN THE STATE COURT OF COBB COUNTY STATE OF GEORGIA</p> <p>KENNETH DAVID MELTON AND MARY ELIZABETH MELTON, Individually, and as Administrators of the Estate of JENNIFER BROOKE MELTON, deceased, Plaintiffs, vs Civil Action 2011-A-2652</p> <p>GENERAL MOTORS LLC, THORNTON CHEVROLET, INC., BILL HEARD CHEVROLET AT TOWN CENTER, LLC, and DEI HOLDINGS, INC., Defendants.</p> <p>----- VIDEOTAPED 30(b) (6) DEPOSITION DEPONENT: VICTOR HAKIM DATE: Tuesday, June 11, 2013 TIME: 10:11 a.m. LOCATION: Westin Detroit Metropolitan Airport 2501 Worldgateway Place Detroit, Michigan 48242 REPORTER: Angela E. Broccardo, CSR 4679</p>	<p style="text-align: center;">3</p> <p>1 APPEARANCES CONTINUED:</p> <p>2</p> <p>3 KENNETH SISCO (Telephonically)</p> <p>4 Law Offices of Ian R. Rappaport</p> <p>5 5565 Glenridge Connector, Suite 500</p> <p>6 Atlanta, Georgia 30342</p> <p>7 (678) 473-3387</p> <p>8 Appearing on behalf of Defendant DEI</p> <p>9 Holdings, Inc.</p> <p>10</p> <p>11 ALSO PRESENT:</p> <p>12 Patrick Murphy, Videographer</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: center;">2</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 LANCE A. COOPER</p> <p>4 The Cooper Firm</p> <p>5 701 Whitlock Avenue, S.W.</p> <p>6 Building J, Suite 43</p> <p>7 Marietta, Georgia 30064</p> <p>8 (770) 427-5588</p> <p>9 Appearing on behalf of the Plaintiffs.</p> <p>10</p> <p>11 HAROLD E. FRANKLIN, JR.</p> <p>12 King &amp; Spalding, LLP</p> <p>13 1180 Peachtree Street, N.E.</p> <p>14 Atlanta, Georgia 30309</p> <p>15 (414) 572-3539</p> <p>16 Appearing on behalf of the Defendant General</p> <p>17 Motors, LLC</p> <p>18</p> <p>19 SHAWN N. KALFUS</p> <p>20 Freeman, Mathis &amp; Gary, LLP</p> <p>21 100 Galleria Parkway, Suite 1600</p> <p>22 Atlanta, Georgia 30339</p> <p>23 (770) 818-4250</p> <p>24 Appearing on behalf of Defendant Thornton</p> <p>25 Chevrolet, Inc.</p>	<p style="text-align: center;">4</p> <p>1 TABLE OF CONTENTS</p> <p>2</p> <p>3 WITNESS PAGE</p> <p>4 VICTOR HAKIM</p> <p>5 EXAMINATION BY MR. COOPER 6</p> <p>6 EXAMINATION BY MR. KALFUS 169</p> <p>7 EXAMINATION BY MR. FRANKLIN 176</p> <p>8 RE-EXAMINATION BY MR. COOPER 198</p> <p>9</p> <p>10 EXHIBIT DESCRIPTION PAGE</p> <p>11 (Exhibits attached to transcript.)</p> <p>12 Exhibit No. 1 Amended Notice 5</p> <p>13 Exhibit No. 2 Cobalt Claims Volume 1 8</p> <p>14 Exhibit No. 3 Cobalt Claims Volume II 92</p> <p>15 Exhibit No. 4 Claims Notebook 146</p> <p>16 Exhibit A Defendant's Objections to Notice 175</p> <p>17 Exhibit No. 5 Bates Pages 37595 through 37610 201</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>



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<p style="text-align: right;">5</p> <p>1 Detroit, Michigan</p> <p>2 Tuesday, June 11, 2013</p> <p>3 10:11 a.m.</p> <p>4 * * *</p> <p>5 (Exhibit No. 1 marked.)</p> <p>6 MR. COOPER: This will be the deposition of</p> <p>7 Victor Hakim taken on behalf of the plaintiffs</p> <p>8 pursuant to an amended notice which will be attached</p> <p>9 as Exhibit 1 to the deposition taken for all purposes</p> <p>10 allowed under the Georgia Civil Practice Act. All</p> <p>11 objections except as to form and responsiveness shall</p> <p>12 be reserved.</p> <p>13 What does Mr. Hakim want to do about</p> <p>14 signature?</p> <p>15 MR. FRANKLIN: Read and sign.</p> <p>16 MR. COOPER: All right. We can go on the</p> <p>17 video.</p> <p>18 VIDEOGRAPHER: We are on the record. This</p> <p>19 is disc one of the 30(b)(6) video deposition of Victor</p> <p>20 Hakim being taken at 2501 Worldgateway Place in</p> <p>21 Romulus, Michigan. Today is Tuesday, June 11, 2012.</p> <p>22 The time is 10:13 a.m. This is in the matter of</p> <p>23 Melton versus General Motors, et al., Case Number</p> <p>24 2011-A-2652, pending in Cobb County State Court in the</p> <p>25 State of Georgia.</p>	<p style="text-align: right;">7</p> <p>1 A. Since 1971.</p> <p>2 Q. What is your current position at General Motors?</p> <p>3 A. I'm a senior manager slash consultant.</p> <p>4 Q. What are your day-to-day responsibilities as senior</p> <p>5 manager slash consultant?</p> <p>6 A. Day-to-day re -- I work in a department called field</p> <p>7 performance assessment, and in that department we look</p> <p>8 at how the vehicles perform in the field and provide</p> <p>9 technical assessments on the vehicle performance and</p> <p>10 then feedback to the product groups.</p> <p>11 Q. Let me show you what I've marked as Exhibit 1. Have</p> <p>12 you seen that document before today, sir?</p> <p>13 MR. FRANKLIN: Is that the notice?</p> <p>14 MR. COOPER: Yes.</p> <p>15 MR. FRANKLIN: Okay.</p> <p>16 THE WITNESS: I have.</p> <p>17 BY MR. COOPER:</p> <p>18 Q. Are you here to testify about the subject matter set</p> <p>19 forth in the notice?</p> <p>20 MR. FRANKLIN: Let me state for the record,</p> <p>21 Lance, that Mr. Hakim has been -- is being designated</p> <p>22 by GM as its corporate representative regarding the</p> <p>23 topics included within the notice as reflected by GM's</p> <p>24 amended objections to plaintiffs' amended notice. His</p> <p>25 testimony will be subject to those objections and</p>
<p style="text-align: right;">6</p> <p>1 My name is Patrick Murphy, legal</p> <p>2 videographer, our court reporter today is Angela</p> <p>3 Broccardo, and we both represent Esquire Deposition</p> <p>4 Solutions. The attorneys will now introduce</p> <p>5 themselves for the record.</p> <p>6 MR. COOPER: Lance Cooper here on behalf of</p> <p>7 the Melton family.</p> <p>8 MR. FRANKLIN: Harold Franklin on behalf of</p> <p>9 General Motors, LLC.</p> <p>10 MR. KALFUS: Shawn Kalfus on behalf of</p> <p>11 Thornton Chevrolet, Inc.</p> <p>12 MR. SISCO: Ken Sisco on behalf of DEI</p> <p>13 Holdings.</p> <p>14 VICTOR HAKIM</p> <p>15 having first been duly sworn, was examined and</p> <p>16 testified as follows:</p> <p>17 EXAMINATION</p> <p>18 BY MR. COOPER:</p> <p>19 Q. Please state your full name, sir.</p> <p>20 A. The name is Victor Hakim.</p> <p>21 Q. Mr. Hakim, are you presently employed?</p> <p>22 A. Yes.</p> <p>23 Q. Who is your employer?</p> <p>24 A. General Motors.</p> <p>25 Q. How long have you been employed by General Motors?</p>	<p style="text-align: right;">8</p> <p>1 areas of testimony that we are presenting him here to</p> <p>2 talk about.</p> <p>3 Specifically he will be presented to talk</p> <p>4 about and he is familiar with the information in the</p> <p>5 documents produced relating to those incidents and</p> <p>6 complaints in which it is alleged that a vehicle</p> <p>7 stalled or lost power, including those documents</p> <p>8 reflecting that a customer alleged that the stalling</p> <p>9 or loss of power resulted in a loss of vehicle</p> <p>10 control.</p> <p>11 Thank you.</p> <p>12 BY MR. COOPER:</p> <p>13 Q. Are you prepared to testify about the subject matter</p> <p>14 set forth in the deposition notice?</p> <p>15 A. I am prepared to testify on what is set forth, I</p> <p>16 believe, in what Mr. Franklin just talked about.</p> <p>17 Q. And you've brought with you here today some documents?</p> <p>18 A. Yes.</p> <p>19 Q. And what are these documents?</p> <p>20 A. Those are claims consistent with what Mr. Franklin</p> <p>21 just described.</p> <p>22 (Exhibit No. 2 marked.)</p> <p>23 BY MR. COOPER:</p> <p>24 Q. Let me show you what we have marked as Exhibit 2.</p> <p>25 MR. COOPER: Which, Shawn, I don't have a</p>



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<p style="text-align: right;">9</p> <p>1 copy for you. I apologize.</p> <p>2 MR. KALFUS: That's okay.</p> <p>3 MR. FRANKLIN: Thank you.</p> <p>4 BY MR. COOPER:</p> <p>5 Q. It's a document entitled "Cobalt Claims," and I want</p> <p>6 to walk through the claims -- some of the claims that</p> <p>7 General Motors has produced to us, walk through those</p> <p>8 with you here today.</p> <p>9 If you could turn to tab 1 of Exhibit 2,</p> <p>10 please. The first claim is -- the owner is Rebecca</p> <p>11 Bowden from Pennsylvania; is that correct?</p> <p>12 A. Okay. Give me a moment here to take a look at it.</p> <p>13 Yes.</p> <p>14 Q. And she has a claim involving a 2005 Cobalt, and</p> <p>15 General Motors opened that claim on March 8th of 2005?</p> <p>16 A. Yes.</p> <p>17 Q. The vehicle had 1,500 miles on it, and the agent notes</p> <p>18 that the claim involves stalls.</p> <p>19 Do you see that?</p> <p>20 A. It says "agent notes" and then yeah, there is a</p> <p>21 notation that says "stalls." Correct.</p> <p>22 Q. And the first paragraph of the claim says:</p> <p>23 "Customer states just leaving dealer with</p> <p>24 her 2005 Cobalt. Bought it new February 14, had it</p> <p>25 less than a month, and now has about 1,500 miles on</p>	<p style="text-align: right;">11</p> <p>1 A. I believe so. If you don't mind, let me take a look.</p> <p>2 Q. Sure.</p> <p>3 MR. FRANKLIN: Lance, each one of these is</p> <p>4 a separate tab?</p> <p>5 MR. COOPER: Right.</p> <p>6 BY MR. COOPER:</p> <p>7 Q. You did?</p> <p>8 A. Yes.</p> <p>9 Q. All right. Thank you.</p> <p>10 Go to tab 2, please, sir. This is an</p> <p>11 incident reported by Alfred Prisco from Colorado</p> <p>12 involving an '05 Cobalt, and it's March 11th of 2005;</p> <p>13 correct?</p> <p>14 A. Which date is March 11th? I --</p> <p>15 Q. Opened, the claim was opened or General Motors</p> <p>16 received notice --</p> <p>17 A. Yes.</p> <p>18 Q. -- as of March 11, 2005. The vehicle had 3,700 miles</p> <p>19 on it, and again the agent notes, it says stalls;</p> <p>20 correct?</p> <p>21 A. Sorry, I just need to locate "agent notes." I don't</p> <p>22 see that. You'll have to point it out to me. Oh,</p> <p>23 there it is. Sorry. Got it. Yes, "Agent notes:</p> <p>24 Stalls." Correct.</p> <p>25 Q. And then the initial paragraph, it says:</p>
<p style="text-align: right;">10</p> <p>1 vehicle. Customer received bulletin from dealer</p> <p>2 stating Cobalts may experience engine stalls, loss of</p> <p>3 electrical systems, and no DTC. Customer engine has</p> <p>4 already stalled once in a snowstorm making her</p> <p>5 steering column lock up and vehicle spun out of</p> <p>6 control. No one hurt, but customer terrified of</p> <p>7 vehicle. Doesn't want it anymore. Customer ready to</p> <p>8 trade it in for a Honda or something if can't get a</p> <p>9 new, safe Chevrolet. Customer states bulletin claims</p> <p>10 engine may stall if driver is short and has a large</p> <p>11 key chain. Customer 5' 4", has a five-year-old, and</p> <p>12 is five months pregnant. Doesn't feel safe driving</p> <p>13 the vehicle, and dealer states that they can't do</p> <p>14 anything about it. No codes. Customer states is also</p> <p>15 having concern with radio. Every three days sets</p> <p>16 itself to new."</p> <p>17 That's what the complaint said or the claim</p> <p>18 says; correct?</p> <p>19 A. That's what the first part of it says. There's more</p> <p>20 pages to it.</p> <p>21 Q. Sure.</p> <p>22 A. There's, yeah, a number of pages to it, actually.</p> <p>23 Q. And did you produce -- provide this claim in the</p> <p>24 documents that you are prepared to testify about</p> <p>25 today?</p>	<p style="text-align: right;">12</p> <p>1 "Customer states purchased a new 2005 Chevy</p> <p>2 Cobalt for their 19-year-old son with around</p> <p>3 3,700 miles on it. The first week son had the</p> <p>4 vehicle, the vehicle started stalling every day. Took</p> <p>5 it to the dealer. Dealer states the computer inside</p> <p>6 the car died. Dealer gave customer a new Cobalt. The</p> <p>7 new vehicle started doing the same thing. Informed</p> <p>8 dealer. Customer's son was driving home from work one</p> <p>9 evening. He was driving around 70 miles per hour on</p> <p>10 E470 Highway. He was getting off the off ramp where</p> <p>11 the vehicle stalled. The vehicle stalled. It locked</p> <p>12 up where the driver had no control over the vehicle</p> <p>13 and vehicle went into ditch. Police came. Vehicle</p> <p>14 had to be towed to dealer. No one was badly injured.</p> <p>15 Only her son bumped his head and has a knot on it, but</p> <p>16 did not get medical attention."</p> <p>17 Is that what the document says?</p> <p>18 A. That's what that one paragraph says. Of course there</p> <p>19 are, again, multiple pages to the document. So</p> <p>20 there's a lot more information in it.</p> <p>21 Q. And go to tab 3, please, sir. Jessica Justice from</p> <p>22 Northfield, Ohio.</p> <p>23 Do you see this incident?</p> <p>24 A. Yes.</p> <p>25 Q. March 4 -- excuse me, April 4 -- April 7th, 2005 is</p>



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<p style="text-align: right;">13</p> <p>1 the open date for the claim, and the odometer is</p> <p>2 2,800 miles.</p> <p>3 Do you see that?</p> <p>4 A. I do.</p> <p>5 Q. This vehicle was actually repurchased by General</p> <p>6 Motors, wasn't it?</p> <p>7 A. That's what it says, yes.</p> <p>8 Q. In the initial paragraph, as far as the complaint, it</p> <p>9 states:</p> <p>10 "Vehicle will stall while driving. Has</p> <p>11 happened once while vehicle was in drive driving down</p> <p>12 the street. States on other occasion the vehicle has</p> <p>13 stalled out. Brought car home from service today.</p> <p>14 States vehicle has been at the dealer twice in one</p> <p>15 week regarding same concern, and when bring vehicle</p> <p>16 home, the concern is still present. States received</p> <p>17 bulletin from dealer stating that vehicle concern</p> <p>18 cannot be fixed at this time, stating that the vehicle</p> <p>19 can stall if the driver hits the key, stating it can</p> <p>20 happen to a driver who is of short stature, if a</p> <p>21 driver has too much weight pulling on the ignition.</p> <p>22 Customer states vehicle is only two months and two</p> <p>23 weeks old."</p> <p>24 Did I read that correctly?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">15</p> <p>1 paragraph --</p> <p>2 Q. Yes, sir.</p> <p>3 A. -- below; right?</p> <p>4 Q. Yes, sir.</p> <p>5 A. Okay. Yes.</p> <p>6 Q. And then the next -- two paragraphs down from that, it</p> <p>7 says:</p> <p>8 "Customer states that it is a safety</p> <p>9 concern. Customer states she does not like the</p> <p>10 thought of having to be concerned with driving."</p> <p>11 Did I read that correctly?</p> <p>12 A. Sure.</p> <p>13 Q. If you can go two pages back, sir, to Bates number 62,</p> <p>14 top of the page. There is a conversation with a third</p> <p>15 party and GM.</p> <p>16 "Third party seeks to know why GM keeps</p> <p>17 selling this vehicle if more and more people are</p> <p>18 complaining."</p> <p>19 "CRM." What is a CRM?</p> <p>20 A. That's a customer relations manager.</p> <p>21 Q. GM employee?</p> <p>22 A. Yes.</p> <p>23 Q. "CRM advised the third party that she could not advise</p> <p>24 on this issue until further research was done. CRM</p> <p>25 seeks to have the customer call the CRM tomorrow."</p>
<p style="text-align: right;">14</p> <p>1 Q. Go to the next page, please, sir. Not the next tab,</p> <p>2 just the next page.</p> <p>3 A. Not the next tab. Okay.</p> <p>4 Q. Top of this document says "Spoke to service manager</p> <p>5 Mike Toth." We'll read the initial paragraph at the</p> <p>6 top here:</p> <p>7 "States did diagnosis of vehicle. States</p> <p>8 there is a loss of communication in ignition switch</p> <p>9 when it is hit. States it is an ongoing problem</p> <p>10 within the Chevy Cobalt. States the ignition cylinder</p> <p>11 is very sensitive. It doesn't have to be hit hard to</p> <p>12 make the vehicle stall. States, based on a PI</p> <p>13 technical assistance bulletin, there is no current</p> <p>14 repair that can fix the problem. Service manager</p> <p>15 states the customer keys didn't appear to be too heavy</p> <p>16 for the ignition."</p> <p>17 That's what that paragraph says; correct?</p> <p>18 A. Correct.</p> <p>19 Q. Next paragraph:</p> <p>20 "Customer states to resolve the issue</p> <p>21 should take keys off the ring while in ignition. If</p> <p>22 she touches the ignition, the vehicle dies. Cannot be</p> <p>23 fixed. TSB bulletin."</p> <p>24 Did I read that correctly?</p> <p>25 A. Okay. So I kind of lost you there. The next</p>	<p style="text-align: right;">16</p> <p>1 Did I read that correctly?</p> <p>2 A. Yes.</p> <p>3 Q. And then as we identified, GM ultimately repurchased</p> <p>4 this vehicle from the customer?</p> <p>5 A. Yes.</p> <p>6 Q. If you go to Bates number 17 --</p> <p>7 MR. FRANKLIN: Which number?</p> <p>8 MR. COOPER: 17969.</p> <p>9 BY MR. COOPER:</p> <p>10 Q. This is a "Privileged and Confidential Information."</p> <p>11 It says "Case Assessment by: Nicole Johnson."</p> <p>12 Do you see the top of that?</p> <p>13 A. Yes.</p> <p>14 Q. Nicole Johnson is a GM employee?</p> <p>15 A. I'll assume so. I don't know that for a fact.</p> <p>16 Q. Well, have you reviewed this complaint before today,</p> <p>17 sir?</p> <p>18 A. Yes.</p> <p>19 Q. And it says "Vehicle Repair History," and it says on</p> <p>20 date, March 30th, '05, "car stalled while driving."</p> <p>21 And then April 6, '05, "car stalled," and it talks</p> <p>22 about the bulletin; correct?</p> <p>23 A. Yes.</p> <p>24 Q. And if you go down to the bottom of the page, it says</p> <p>25 "CRM Recommendation &amp; Rationale," and this is a GM</p>



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<p style="text-align: right;">17</p> <p>1 employee recommendation and rationale; correct?</p> <p>2 A. It's the CRM's recommendation, yes. Right.</p> <p>3 Q. The CRM, the GM employee, "recommends that the concern</p> <p>4 is a safety issue. The GM employee recommends</p> <p>5 offering the customer a repurchase."</p> <p>6 Did I read that correctly?</p> <p>7 A. Yes.</p> <p>8 Q. Go to tab 4, please, sir. This is an incident</p> <p>9 involving Mary Civardi from New Jersey. She is</p> <p>10 driving a 2005 Cobalt, and the claim was opened on</p> <p>11 April 12th of 2005, and the vehicle had approximately</p> <p>12 600 miles on it; correct?</p> <p>13 A. Correct.</p> <p>14 MR. KALFUS: What was the date? I'm sorry.</p> <p>15 MR. COOPER: April 12, 2005.</p> <p>16 BY MR. COOPER:</p> <p>17 Q. And GM decided to repurchase this '05 Cobalt, too;</p> <p>18 correct?</p> <p>19 A. Correct.</p> <p>20 Q. And if you look at the customer statement at the</p> <p>21 bottom of the page, it says:</p> <p>22 "Approximately 600 mile" -- excuse me --</p> <p>23 "Approximate mileage, 600. Right after the vehicle</p> <p>24 was purchased, the vehicle died. I took it back to</p> <p>25 the dealership again, and they completely checked the</p>	<p style="text-align: right;">19</p> <p>1 Q. If you go to the next tab -- excuse me.</p> <p>2 A. Any problem with me reading sort of the next page</p> <p>3 there before we go to the next tab?</p> <p>4 Q. I thought you are prepared -- are you prepared to</p> <p>5 testify about these cases?</p> <p>6 A. Well, certainly, but I can't memorize all the</p> <p>7 documents. So I -- if you can get me back to where we</p> <p>8 were, I would like to read the document until we get</p> <p>9 to that page, if you don't mind.</p> <p>10 Q. You are at the page.</p> <p>11 A. Thank you. All right. Thanks.</p> <p>12 MR. FRANKLIN: 17973, is that where we are?</p> <p>13 THE WITNESS: Yes. Right. Yeah. Right.</p> <p>14 So the gist of that document is that</p> <p>15 General Motors could not duplicate the issue, the</p> <p>16 dealer couldn't duplicate the stalling. They put a</p> <p>17 recorder in the car and couldn't duplicate it. That's</p> <p>18 what I read through that section that was not</p> <p>19 highlighted.</p> <p>20 BY MR. COOPER:</p> <p>21 Q. Is that it?</p> <p>22 A. That's it.</p> <p>23 Q. I looked through the documents you brought with you</p> <p>24 today. This Civardi claim is not in the documents.</p> <p>25 Would it be correct to say this is the</p>
<p style="text-align: right;">18</p> <p>1 vehicle. I am very afraid of this vehicle. Vehicle</p> <p>2 died on highway four times. The dealership gave us a</p> <p>3 loaner. March 23rd of this year is when vehicle was</p> <p>4 bought. Dealership states that they called the</p> <p>5 engineers."</p> <p>6 Did I read that correctly?</p> <p>7 A. You did.</p> <p>8 Q. And at the top of the next page:</p> <p>9 "Tom Purdy (service manager) Concern - She</p> <p>10 says she has a stalling issue that seems to do on the</p> <p>11 right-hand turns. We are about to get into the</p> <p>12 vehicle to find a repair. Haven't had an opportunity</p> <p>13 to do though yet."</p> <p>14 And then it says, two paragraphs down:</p> <p>15 "Rich states: This woman is scared to</p> <p>16 death of this vehicle. She takes care of her</p> <p>17 grandchildren, and she is afraid one day she is going</p> <p>18 to be riding around with them and kill them. She has</p> <p>19 the fear of God in her about this car. Now, this</p> <p>20 woman is very nice and has done a lot of business</p> <p>21 here, and we would like to do anything we can to help</p> <p>22 her, but the title has already gone through and we</p> <p>23 need GM approval."</p> <p>24 Did I read that correctly?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">20</p> <p>1 first time you've seen this claim?</p> <p>2 MR. FRANKLIN: Object to form.</p> <p>3 THE WITNESS: I may have looked at this</p> <p>4 one.</p> <p>5 BY MR. COOPER:</p> <p>6 Q. Why didn't you bring it with you, if you looked at it,</p> <p>7 sir?</p> <p>8 A. It may not have fit the criteria. In essence, we</p> <p>9 don't have a stalling/loss of control with this one.</p> <p>10 So it doesn't fit the amended deposition notice.</p> <p>11 Q. Who made the decision as to what claims you would</p> <p>12 bring with you today, sir?</p> <p>13 A. Well, those claims were sorted based on -- based on</p> <p>14 the deposition notice.</p> <p>15 Q. The question is who made that decision.</p> <p>16 MR. FRANKLIN: Object to the extent it</p> <p>17 calls for -- calling for privileged information.</p> <p>18 BY MR. COOPER:</p> <p>19 Q. Did you look at claims other than what you brought</p> <p>20 with you here today?</p> <p>21 A. Yes.</p> <p>22 Q. And you chose not to bring a number of claims?</p> <p>23 A. Yes. They didn't fit the criteria.</p> <p>24 Q. What criteria?</p> <p>25 A. The criteria in the amended deposition notice.</p>



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<p style="text-align: right;">21</p> <p>1 Q. Read the criteria that the Civardi claim does not --</p> <p>2 in Exhibit 1 that the Civardi claim does not meet.</p> <p>3 A. Yeah, this is not the amended -- is this our amended</p> <p>4 notice? I guess I'm going to get confused here on</p> <p>5 different --</p> <p>6 Q. No, that's our notice, sir.</p> <p>7 A. -- exhibits and --</p> <p>8 Q. That's our notice. Read the notice, and please</p> <p>9 explain how the Civardi claim does not come within the</p> <p>10 notice and the subject matter set forth in the notice.</p> <p>11 MR. FRANKLIN: Let me state something on</p> <p>12 the record, as I did at the outset.</p> <p>13 We are presenting Mr. Hakim to testify --</p> <p>14 there have been over 32,000 pages of claims, lawsuits,</p> <p>15 et cetera, produced in this case. We are presenting,</p> <p>16 as we stated in our objection to the notice, Mr. Hakim</p> <p>17 to testify about the documents which reflect an</p> <p>18 incident involving an allegation that a vehicle</p> <p>19 stalled or lost power, including those in which the</p> <p>20 customer claimed that the stalling or loss of power</p> <p>21 resulted in a loss of vehicle control, among those</p> <p>22 documents, those 32,000 pages that were produced.</p> <p>23 Those are the documents that Mr. Hakim brought here</p> <p>24 with him today.</p> <p>25 BY MR. COOPER:</p>	<p style="text-align: right;">23</p> <p>1 MR. FRANKLIN: And I'm sorry, Lance, I'm</p> <p>2 not following. What page are we on? Because I</p> <p>3 thought you said next tab. What page?</p> <p>4 MR. COOPER: 17986. It's the tab, the red</p> <p>5 tab.</p> <p>6 BY MR. COOPER:</p> <p>7 Q. This is a letter to Kathleen Coelho. Do you know</p> <p>8 Ms. Coelho at General Motors?</p> <p>9 A. I do not.</p> <p>10 Q. It's a letter from Ms. Civardi dated April 12, 2005,</p> <p>11 and on that date Ms. Civardi wrote a letter to Ms.</p> <p>12 Coelho where she says:</p> <p>13 "Thank you so very much for your</p> <p>14 courteousness, patience and attention to this matter.</p> <p>15 As we discussed, this letter will confirm our</p> <p>16 telephone conversation today in which I notified you</p> <p>17 of a persistent and very serious stalling problem with</p> <p>18 my new '05 Chevy/Cobalt (purchase date March 23,</p> <p>19 2005)" -- purchased at a New Jersey dealership.</p> <p>20 General Manager Richard Yearwood was the manager of</p> <p>21 the dealership.</p> <p>22 Next sentence says:</p> <p>23 "I informed you the car has inexplicably</p> <p>24 stalled several times within the last week while</p> <p>25 traveling at various speeds, including highway speeds.</p>
<p style="text-align: right;">22</p> <p>1 Q. Did you -- you testified that you reviewed additional</p> <p>2 documents, Mr. Hakim?</p> <p>3 A. Sure.</p> <p>4 Q. Including additional claims?</p> <p>5 A. Of course.</p> <p>6 Q. And you chose not to bring a number of claims,</p> <p>7 including the Civardi claim; is that correct?</p> <p>8 A. Yes.</p> <p>9 Q. And it's your position, as the General Motors employee</p> <p>10 who is prepared to testify today about the subject</p> <p>11 matters, that the Civardi claim does not fall within</p> <p>12 our notice?</p> <p>13 A. No, I didn't say that. It doesn't fall within the</p> <p>14 amended objections based on what Mr. Franklin stated.</p> <p>15 Q. Look at page 17986, sir. It's the next tab.</p> <p>16 A. Sorry, help me out.</p> <p>17 Q. Just go to the next tab.</p> <p>18 A. You have tabs and numbers; right?</p> <p>19 MR. FRANKLIN: What is this, tab 5?</p> <p>20 MR. COOPER: Tab 4.</p> <p>21 BY MR. COOPER:</p> <p>22 Q. Ms. Civardi actually wrote a letter?</p> <p>23 A. So this is the same claim that we were discussing;</p> <p>24 right?</p> <p>25 Q. Yes, sir.</p>	<p style="text-align: right;">24</p> <p>1 Upon noticing the aggravated nature of the problem</p> <p>2 this past weekend, I immediately brought the car to</p> <p>3 the dealer yesterday; Monday, April 11. After</p> <p>4 conducting a morning long observation and inspection</p> <p>5 of the car, including contacting GM engineering for</p> <p>6 diagnostic instruction, the dealer was unable to</p> <p>7 determine the cause of the problem and told me that</p> <p>8 the car was performing appropriately. This morning</p> <p>9 while I was driving on a local highway with lots of</p> <p>10 traffic, the car died again and I came very close to</p> <p>11 being rear-ended by the vehicles traveling behind me.</p> <p>12 Fortunately, the car restarted immediately, but as you</p> <p>13 might expect, I have now lost trust and confidence in</p> <p>14 the vehicle. I immediately returned the car to the</p> <p>15 dealership after this incident. The service</p> <p>16 department has informed me that they are going to</p> <p>17 perform a week long diagnostic to see if their</p> <p>18 technicians can determine the cause of this very</p> <p>19 hazardous condition. However, the GM, Mr. Yearwood,</p> <p>20 also advised that the dealership is not in a position</p> <p>21 to take a return of the vehicle and that I should</p> <p>22 contact GM directly. I am a grandmother who</p> <p>23 frequently travels with my young grandchildren in the</p> <p>24 car. I have been a long-time GM vehicle owner and</p> <p>25 shareholder. My family and I have very high respect</p>



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<p style="text-align: right;">25</p> <p>1 for GM and its subsidiaries and would like to continue 2 to support the company. Indeed, prior to this matter, 3 I have never had a complaint with any of my GM 4 vehicles, and I continue to have respect for the 5 service personnel at my dealership. But, now, as you 6 might imagine, I am saddened and disappointed that Mr 7 Yearwood seemed indifferent to my plight and I am 8 afraid to drive this car. 9 "Please consider this letter notice of a 10 serious potential hazard and defect that should be 11 investigated, especially in view of the fact that the 12 Cobalt is a new model." 13 Did I read that correctly? 14 A. Yes. 15 Q. Do you know why the dealership and GM didn't tell 16 Ms. Civardi about the technical service bulletin? 17 A. No, I don't know, and I don't know if the bulletin was 18 out at that time or not. I don't recall. 19 Q. Well, we saw earlier in the first claim that the 20 bulletin was out because they talk about the bulletin 21 in the March claim, don't they? 22 MR. FRANKLIN: Object to form. 23 THE WITNESS: I don't remember. Can you 24 point me back to that? 25 BY MR. COOPER:</p>	<p style="text-align: right;">27</p> <p>1 didn't make Ms. Civardi aware of the bulletin and the 2 potential fix to the stalling problem? 3 MR. FRANKLIN: Object to form. 4 THE WITNESS: Yeah, I do not. 5 BY MR. COOPER: 6 Q. If you can go to tab 5, please, sir. Right there, tab 7 5. 8 A. That last claim, there was a repurchase, it looks 9 like, right, of that vehicle? 10 Q. Correct, they chose to repurchase -- 11 A. So they did repurchase the vehicle from the customer. 12 Q. Tab 5. It's Markeese Hampton from Maryland made a 13 claim involving a 2005 Chevy Cobalt. The claim was 14 opened on May 2nd of 2005, and the vehicle had 15 3,000 miles on it; correct? 16 A. Correct. 17 Q. And again, the agent note is stalls? 18 A. Correct. 19 Q. And customer states here down on the page: 20 "Vehicle stalls out while driving. Twice 21 while on the freeway. Took to dealer. Dealer said 22 couldn't duplicate and customer should come back when 23 it happens again. Customer states they are losing 24 confidence in vehicle and believes it is a safety 25 concern."</p>
<p style="text-align: right;">26</p> <p>1 Q. Well, the jury heard it. 2 Do you recall that? 3 MR. FRANKLIN: Object to form. 4 THE WITNESS: Can you point me back to the 5 page? Do you mind? 6 BY MR. COOPER: 7 Q. Sure. If you look back at tab 1. 8 A. Tab 1. 9 Q. Open date, March 8th, 2005. 10 Do you see that? 11 A. Yes. 12 Q. A claim -- the Rebecca Bowden claim, and if you look 13 at the first paragraph, which we read, in the middle 14 of the paragraph says: 15 "Customer states bulletin claims engines 16 may stall if driver is short and has a large key 17 chain." 18 This is March 28th of two thousand -- 19 excuse me, March 8th of 2005. The claim was closed on 20 March 28th of 2005. 21 So as of March 28th, 2005, at least 22 according to this claim, the bulletin had to have been 23 issued; correct? 24 A. It sounds that way, yes. 25 Q. Do you know then, sir, why Ms. Coelho or anyone at GM</p>	<p style="text-align: right;">28</p> <p>1 Did I read that correctly? 2 A. Yes. 3 Q. If you go to the next page, sir, ending in 49, the 4 highlight there toward the bottom of the page. The 5 CRM is assisting the customer, and the customer 6 states: 7 "Cobalt one month after purchase vehicle 8 cuts off with a tractor-trailer behind him and it 9 almost killed them. His wife was also in a similar 10 situation where vehicle stalled while she was 11 driving." 12 Did I read that correctly? 13 A. Yes. 14 Q. Turn to tab 6, please, sir. 15 A. Okay. 16 MR. FRANKLIN: Lance, one moment. The 17 copies that I've gotten don't have -- like yours and 18 the witnesses, don't have the highlighted sections. 19 I'm trying to follow, but you are going to have to 20 bear with me so that I can make sure I am following 21 what you're reading and asking the witness to read. 22 What you've just read I take it is the 23 bottom paragraph on page 18049; is that right? 24 MR. COOPER: Correct. 25 MR. FRANKLIN: The full paragraph there?</p>



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<p style="text-align: right;">29</p> <p>1 MR. COOPER: Correct.</p> <p>2 MR. FRANKLIN: Okay.</p> <p>3 BY MR. COOPER:</p> <p>4 Q. If you go to tab 6, please, sir, Michael Smith from</p> <p>5 Tampa, Florida owned a 2005 Cobalt. Made a claim that</p> <p>6 GM opened on May 3rd of 2005. The vehicle had</p> <p>7 2,500 miles on it. And again, the agent note is</p> <p>8 stalls; correct?</p> <p>9 A. Correct.</p> <p>10 Q. In the second paragraph of this claim:</p> <p>11 "Customer states that his brand new car</p> <p>12 keeps having continuous stalling problems while</p> <p>13 vehicle is moving and while in a stopped position.</p> <p>14 Customer is very concerned on a safety aspect that the</p> <p>15 vehicle will stall at a bad time. Customer states he</p> <p>16 has only made one payment on vehicle, yet vehicle has</p> <p>17 been in the service department four to five times in</p> <p>18 the first 2,500 miles on it."</p> <p>19 Did I read that correctly?</p> <p>20 A. Yes.</p> <p>21 Q. Go to the next page, sir, ending in 52, fourth</p> <p>22 paragraph:</p> <p>23 "Customer states that he is very concerned</p> <p>24 with the safety of his vehicle. Customer states that</p> <p>25 problem usually happens at a stoplight with foot on</p>	<p style="text-align: right;">31</p> <p>1 Q. If you would go to tab 7, sir, please.</p> <p>2 A. Do you mind if I look at the rest of that document?</p> <p>3 Q. Sure.</p> <p>4 A. All right. So the gist of that is they replaced a</p> <p>5 diode, but it kind of ended there. All right.</p> <p>6 Q. They never told Mr. Smith about the technical service</p> <p>7 bulletin, did they?</p> <p>8 MR. FRANKLIN: Object to form.</p> <p>9 THE WITNESS: I didn't see that mentioned</p> <p>10 in the document, but they did an electrical repair on</p> <p>11 it.</p> <p>12 BY MR. COOPER:</p> <p>13 Q. And did you bring this document, Mr. Smith's claim,</p> <p>14 with you here today?</p> <p>15 A. Which tab was that again? 6? Was that tab 6?</p> <p>16 Q. Yes, sir.</p> <p>17 A. I don't believe I did.</p> <p>18 Q. Is this the first time you've seen this claim?</p> <p>19 A. I remember seeing it, so I don't believe it is the</p> <p>20 first time that I've seen it.</p> <p>21 Q. Who pulled the documents for you to review in</p> <p>22 preparation for this deposition?</p> <p>23 MR. FRANKLIN: Object to form -- or object</p> <p>24 to the question to the extent it calls for privileged</p> <p>25 information.</p>
<p style="text-align: right;">30</p> <p>1 brake. Customer states when he steps on gas to</p> <p>2 accelerate, vehicle will sometimes stall as it begins</p> <p>3 to move. Customer states that the problem is that the</p> <p>4 vehicle has a hard time turning over and other</p> <p>5 vehicles are having to hit their brakes and sometimes</p> <p>6 almost hit him. Customer states he is not trying to</p> <p>7 be a pain, but is very frustrated that his brand new</p> <p>8 car is acting this way, and that the dealer response</p> <p>9 is always the same where they cannot find the problem</p> <p>10 and tell customer to drive vehicle around for a while</p> <p>11 to see what happens next. Customer states that he</p> <p>12 wants dealer to repurchase vehicle."</p> <p>13 Did I read that correctly?</p> <p>14 A. Yes.</p> <p>15 Q. Do you know why GM never told Mr. Smith about the</p> <p>16 technical service bulletin involving this vehicle?</p> <p>17 MR. FRANKLIN: Object to form.</p> <p>18 THE WITNESS: Well, I don't. I don't see</p> <p>19 any mention in here about the key or key being an</p> <p>20 issue.</p> <p>21 BY MR. COOPER:</p> <p>22 Q. So the answer is you don't know why they didn't?</p> <p>23 A. Correct.</p> <p>24 MR. FRANKLIN: Object to form.</p> <p>25 BY MR. COOPER:</p>	<p style="text-align: right;">32</p> <p>1 BY MR. COOPER:</p> <p>2 Q. You can answer.</p> <p>3 A. So what was the question?</p> <p>4 Q. The question is, in preparation for this deposition, I</p> <p>5 understand that you reviewed a number of claims, some</p> <p>6 of which you have here today, some of which you chose</p> <p>7 not to provide here today.</p> <p>8 Who pulled all of the initial claims to</p> <p>9 start with for you to review?</p> <p>10 MR. FRANKLIN: Let me object, again, and</p> <p>11 restate what I stated at the beginning, that Mr. Hakim</p> <p>12 has been presented to talk about the subjects as set</p> <p>13 forth in the objections to the amended notice and has</p> <p>14 brought with him the claims that fit that description.</p> <p>15 BY MR. COOPER:</p> <p>16 Q. You can answer the question.</p> <p>17 A. The discovery coordinator at legal staff.</p> <p>18 Q. Who is that?</p> <p>19 A. Jamie Morrison.</p> <p>20 Q. So you had nothing to do with actually pulling the</p> <p>21 claims?</p> <p>22 MR. FRANKLIN: Object to form.</p> <p>23 THE WITNESS: Well, I don't know what you</p> <p>24 mean by "pulling the claims."</p> <p>25 BY MR. COOPER:</p>



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<p style="text-align: right;">33</p> <p>1 Q. Well, you are being presented --</p> <p>2 A. So you have to kind of explain what you mean by</p> <p>3 "pulling the claims."</p> <p>4 Q. Sure. At some point in time in the recent past, I</p> <p>5 assume you were given notice that GM was going to put</p> <p>6 you up as the corporate representative for this</p> <p>7 deposition; correct?</p> <p>8 A. Correct.</p> <p>9 Q. Did you know anything about the case before that?</p> <p>10 A. Yes.</p> <p>11 Q. How did you know about the case?</p> <p>12 MR. FRANKLIN: Let me object to this line</p> <p>13 of questioning.</p> <p>14 BY MR. COOPER:</p> <p>15 Q. You can answer.</p> <p>16 A. I know generally about the case because I work in the</p> <p>17 department where the case is worked.</p> <p>18 Q. And when you were told you were going to be the</p> <p>19 corporate representative deposition, what did you</p> <p>20 independently do to gather documents that may -- you</p> <p>21 may need to review in order to prepare yourself for</p> <p>22 the deposition?</p> <p>23 A. I didn't do anything independently. Documents and</p> <p>24 claims are pulled through legal staff, through search</p> <p>25 criteria. I was satisfied -- I did check the search</p>	<p style="text-align: right;">35</p> <p>1 BY MR. COOPER:</p> <p>2 Q. What other documents did you review, other than what</p> <p>3 you've brought with you here today?</p> <p>4 A. I reviewed, in general, the claims that were produced.</p> <p>5 Q. And when you say "in general, the claims that were</p> <p>6 produced," did you -- for what vehicles?</p> <p>7 A. For the scope vehicles, the vehicles that were in the</p> <p>8 scope for this matter.</p> <p>9 Q. And those were provided to you?</p> <p>10 A. Yes.</p> <p>11 Q. Where are those documents now?</p> <p>12 A. Well, they are electronic.</p> <p>13 Q. So you were provided them in electronic form and then</p> <p>14 printed out what you have with you here today?</p> <p>15 A. Yes.</p> <p>16 Q. Let's go to tab 7, please. Maryellen Biddle from</p> <p>17 Pennsylvania owned a 2005 Cobalt. She made a claim</p> <p>18 that was opened on May 19th, 2005. There were</p> <p>19 945 miles on the vehicle, and GM decided to repurchase</p> <p>20 the Cobalt; correct?</p> <p>21 A. Correct.</p> <p>22 Q. And the agent notes again is stalling, stalls.</p> <p>23 Do you see that?</p> <p>24 A. I do.</p> <p>25 Q. And then on the initial description it says:</p>
<p style="text-align: right;">34</p> <p>1 criteria, and I was satisfied it was a very thorough</p> <p>2 search, and those claims were provided to me to review</p> <p>3 through legal staff.</p> <p>4 Q. And what search criteria did you review?</p> <p>5 A. The criteria that they used, which was very broad</p> <p>6 search terms to search for claims.</p> <p>7 Q. And what was the criteria?</p> <p>8 A. In general, they used the scope that was outlined in</p> <p>9 the -- for this case. So vehicle scope, the term</p> <p>10 "stall, electrical, ignition, engine." So very broad</p> <p>11 terms to generate as much as they could.</p> <p>12 Q. And then someone from GM legal counsel then provided</p> <p>13 you with the documents relating to these claims?</p> <p>14 MR. FRANKLIN: Let me object and instruct</p> <p>15 the witness not to answer. I think this is calling</p> <p>16 for privileged communications between the witness and</p> <p>17 his attorneys.</p> <p>18 BY MR. COOPER:</p> <p>19 Q. I'm allowed to know what documents you reviewed in</p> <p>20 preparation for this deposition.</p> <p>21 MR. FRANKLIN: Let me object. Lance, the</p> <p>22 witness has already testified that he has generally</p> <p>23 reviewed all the documents, and that he has brought</p> <p>24 those that meet the criteria set forth in the</p> <p>25 objection.</p>	<p style="text-align: right;">36</p> <p>1 "Customer calls. Customer states she just</p> <p>2 bought a new Cobalt for her daughter April 30th, 2005.</p> <p>3 The vehicle has stalled out three times now. This is</p> <p>4 a safety issue."</p> <p>5 Did I read that correctly?</p> <p>6 A. Yes.</p> <p>7 Q. Go to tab 8, please.</p> <p>8 MR. FRANKLIN: Let me state for the record,</p> <p>9 Lance, I know you are presenting the witness with</p> <p>10 these documents, and it's obviously fine to ask</p> <p>11 questions. I just want the witness to be able to be</p> <p>12 familiar with it before we move on to the next</p> <p>13 document, because he's not reading, necessarily,</p> <p>14 everything. You are picking out certain aspects of</p> <p>15 these claims. So I appreciate you letting the witness</p> <p>16 become familiar with the document before you move on</p> <p>17 to the next one.</p> <p>18 BY MR. COOPER:</p> <p>19 Q. Tab 8, please, sir. Do you have tab 8 in front of</p> <p>20 you?</p> <p>21 A. Yeah. I was just finishing reading the document, and</p> <p>22 basically this is a repurchase. They couldn't figure</p> <p>23 out why she was having the concerns, and they</p> <p>24 repurchased the vehicle.</p> <p>25 Q. Page 8, Eric Miller from the state of Washington owned</p>



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<p style="text-align: right;">37</p> <p>1 a 2005 Cobalt. The GM claim open date is May 24th, 2 2005, the vehicle had 7,500 miles on it, and this 3 vehicle was also repurchased; correct? 4 A. Correct. 5 Q. And it says here on the bottom of the first page: 6 "Customer states that he's had multiple 7 attempts on a repair with the vehicle stalling out, 8 but the dealership has had no success to date in 9 fixing the concern. Have replaced the fuel pump and a 10 module. Currently the vehicle is at the dealer and 11 has been for a few days, and he's in a loaner vehicle. 12 Seeks repurchase of the vehicle, if possible." 13 Did I read that correctly? 14 A. Yes. 15 Q. And then if you look at -- there is a red tab, or 16 there should be, toward the back of this. Well, let 17 me see. 18 This claim, GM actually attached the TSB 19 involving the -- 20 A. If you don't mind, can I just look at these other -- 21 just glance at these other pages until we get there? 22 Q. Sure. 23 A. Thank you. 24 Okay. I'm to your tab now. 25 Q. And the tab is the technical service bulletin for the</p>	<p style="text-align: right;">39</p> <p>1 you want about it. 2 Q. Okay. Tab 9, sir. Raymond Arjona from New York owned 3 a 2005 Chevy Cobalt. The GM claim was opened on 4 June 6th of 2005. The odometer had 4,000 miles on it. 5 Do you see that? 6 A. Yes. 7 Q. If you go down in the body of the document: 8 "Customer states has had the vehicle stall 9 in the middle of use four times. Customer states that 10 she has had the vehicle taken to the vehicle dealer 11 twice. Customer states after the first visit the 12 customer was advised the concern had been corrected 13 and to pick the vehicle up. Customer advised the same 14 day of receiving the vehicle the problem occurred 15 again. Customer states she took the vehicle back to 16 the dealer and is now being told there is no fix for 17 the concern. However, dealer advised of a bulletin 18 advising that if there are an excessive amount of keys 19 or if the driver knee hits the ignition, the vehicle 20 can stall. Customer seeks a better type of resolution 21 than to adjust her daughter's driving habits who is 22 the driver of the vehicle. Customer states she will 23 not pick the vehicle up until a better resolution is 24 reached." 25 Did I read that correctly?</p>
<p style="text-align: right;">38</p> <p>1 engine stalling as a result of the key moving in the 2 ignition? 3 MR. FRANKLIN: Is this page 18198? 4 MR. COOPER: Correct. 5 MR. FRANKLIN: Thanks. 6 BY MR. COOPER: 7 Q. Do you see that? 8 A. Yes. 9 Q. And it's dated February 28th, 2005? 10 A. Yes. 11 Q. Did you bring Mr. Miller's claim with you here today, 12 sir? 13 A. I don't believe so. 14 Q. So you are not prepared to testify about this claim, 15 other than what you've read here today? 16 MR. FRANKLIN: Object to form. 17 THE WITNESS: No, I don't agree with your 18 statement. 19 BY MR. COOPER: 20 Q. You are prepared to testify? 21 A. Of course. 22 Q. What did you do with Mr. Miller's claim to review it 23 before today? 24 A. Well, you know, I can't recall if I reviewed it or 25 not. I believe I may have, but ask me any questions</p>	<p style="text-align: right;">40</p> <p>1 A. Yes. 2 Q. Did you bring Mr. Arjona's claim documents with you 3 here today? 4 A. I don't think so. Let me just check. No. 5 Q. Tab 10, sir. Audrey Naguina from Davenport, Iowa 6 owned a 2005 Chevy Cobalt. The GM claim open date is 7 June 9th of 2005. In the agent note is stalls; 8 correct? 9 A. Correct. 10 Q. And the body of the document: 11 "Numerous concerns. Customer states has 12 taken in numerous times. Died again yesterday. 13 Dealer states concern cannot be duplicated. States 14 almost had an accident while trying to start vehicle 15 again. States brand new car should not have so many 16 concerns. Is getting frustrated with vehicle." 17 Did I read that correctly? 18 A. Yes. 19 Q. Tab 11, please. 20 MR. FRANKLIN: Same objection I had before. 21 I'd like the witness to be able to review it before 22 moving on to the next document. 23 THE WITNESS: Okay. 24 BY MR. COOPER: 25 Q. According to this document, Ms. Naguina was never made</p>



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<p style="text-align: right;">41</p> <p>1 aware of the technical service bulletin, was she?</p> <p>2 MR. FRANKLIN: Object to form.</p> <p>3 THE WITNESS: It does not -- I can't say</p> <p>4 that for a fact, but it doesn't state that in the</p> <p>5 document.</p> <p>6 BY MR. COOPER:</p> <p>7 Q. Tab 11, please. Nathaniel Long from Cleveland, Ohio</p> <p>8 owned a 2005 Chevy Cobalt. The GM claim open date is</p> <p>9 June 10th of 2005, the odometer was 4,943 miles, and</p> <p>10 the agent notes is stalls; correct?</p> <p>11 A. Correct.</p> <p>12 Q. And the body of the document:</p> <p>13 "Customer states just purchased a vehicle</p> <p>14 less than 90 days. '05 Chevy Cobalt. Now has</p> <p>15 concern, happened two times, and hit a bump in the</p> <p>16 street, and the whole car cut off. Car shut off</p> <p>17 yesterday when coming down a hill and engine shut off</p> <p>18 and could not turn. Car is being serviced this</p> <p>19 morning. Not happy with vehicle now. Vehicle is at</p> <p>20 Lakeshore Chevrolet. Has told service about the</p> <p>21 concern. Customer states she is not getting back in</p> <p>22 that car."</p> <p>23 Did I read that correctly?</p> <p>24 A. Yes.</p> <p>25 Q. And according to this document, Nathaniel Long was</p>	<p style="text-align: right;">43</p> <p>1 for no reason at no specific time."</p> <p>2 And the last paragraph:</p> <p>3 "Customer states at various intervals the</p> <p>4 vehicle dies for no reason. When the engine stops</p> <p>5 running, no lights will come on. The steering locks</p> <p>6 and it's hard to brake. She took vehicle to the</p> <p>7 dealer in May, and the vehicle has done this twice</p> <p>8 since then. There is no specific time or place the</p> <p>9 vehicle does this. The purpose for trading her old</p> <p>10 car was to have a dependable vehicle to take her</p> <p>11 mother to the doctor."</p> <p>12 Did I read that correctly?</p> <p>13 A. Yes.</p> <p>14 Q. If you would go to tab 13, please.</p> <p>15 MR. FRANKLIN: Have you had a chance to</p> <p>16 finish reviewing it?</p> <p>17 THE WITNESS: I'm getting there. Okay.</p> <p>18 I'm good.</p> <p>19 BY MR. COOPER:</p> <p>20 Q. Tab 13, sir. Christopher Whitt from McCarr, Kentucky</p> <p>21 owned a 2005 Chevy Cobalt. The GM claim open date is</p> <p>22 June 27, 2005, the odometer 8,481 miles, and the</p> <p>23 vehicle -- the agent note is stalls.</p> <p>24 Do you see that?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">42</p> <p>1 never made aware of the technical service bulletin; is</p> <p>2 that right?</p> <p>3 MR. FRANKLIN: Object to form.</p> <p>4 THE WITNESS: It sounds like maybe they</p> <p>5 were on page 18267 at the top. The bulletin is</p> <p>6 mentioned there.</p> <p>7 BY MR. COOPER:</p> <p>8 Q. Okay. So they actually were made aware of the</p> <p>9 bulletin. "Nothing out for bulletin except heavy key</p> <p>10 chain and customer states does not have one."</p> <p>11 Is that what it says?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. Let's go to tab 12.</p> <p>14 A. If you don't mind, I just want to finish --</p> <p>15 Q. Sure.</p> <p>16 A. -- taking a look at this one. Okay.</p> <p>17 Q. Tab 12, please. Elsie Garrison from Guntersville,</p> <p>18 Alabama owned a 2005 Chevy Cobalt. The GM claim open</p> <p>19 date is 6-27-2005, the vehicle had 2,500 miles on it,</p> <p>20 and again the agent note was stalls; is that right?</p> <p>21 A. Correct.</p> <p>22 Q. And if you look in the body of the document, the</p> <p>23 highlighted section:</p> <p>24 "CRM states" -- that's the GM employee</p> <p>25 states -- "the customer claims that her vehicle stalls</p>	<p style="text-align: right;">44</p> <p>1 Q. And if you go to the next page ending in 75, the</p> <p>2 highlighted section:</p> <p>3 "Customer states approximately 3,000 miles</p> <p>4 on vehicle. Calling to see if there is anything out</p> <p>5 on issue she is having with her vehicle, 2005 Cobalt,</p> <p>6 any reports of vehicle stalling. Can be driving down</p> <p>7 the street and the vehicle just dies. No consistence</p> <p>8 in speed. Has called the dealer and they have asked</p> <p>9 the customer to bring in the vehicle on Saturday to</p> <p>10 diagnose."</p> <p>11 And you go down further:</p> <p>12 "Customer states that her Chevy Cobalt went</p> <p>13 into the shop on July 9th, '05 for the vehicle just</p> <p>14 turning off on her. Customer states at the time the</p> <p>15 dealer told her they let the vehicle run for one hour</p> <p>16 and then drove it for 13 miles, and the car did not</p> <p>17 duplicate the concern. Customer states that she feels</p> <p>18 it is a safety issue."</p> <p>19 Did I read that correctly?</p> <p>20 A. Yes.</p> <p>21 Q. Then if you go to the next page, there is a discussion</p> <p>22 about the diagnosis, ending in 76.</p> <p>23 A. Which page are we on? This one?</p> <p>24 Q. Ending in 76, yes, right here. It says:</p> <p>25 "Get diagnosis from dealer. Dealer did not</p>



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<p style="text-align: right;">45</p> <p>1 duplicate the problems. There is a TSB for these</p> <p>2 symptoms. Have ordered the parts and will be in at</p> <p>3 the end of the week."</p> <p>4 Did I read that correctly?</p> <p>5 A. Yes.</p> <p>6 Q. Then you go to the next page, sir, top of page 78, it</p> <p>7 says:</p> <p>8 "Having issue again. Customer states the</p> <p>9 day before yesterday the car died again. Key ring</p> <p>10 didn't resolve the issue. Was almost in car accident.</p> <p>11 Car behind her almost hit her."</p> <p>12 Did I read that correctly?</p> <p>13 A. Yes.</p> <p>14 Q. Go to tab 14, please, sir.</p> <p>15 MR. FRANKLIN: Again, I would ask the</p> <p>16 witness be allowed to read the portions of the</p> <p>17 document that were not inquired about.</p> <p>18 BY MR. COOPER:</p> <p>19 Q. And I won't ask this every time, sir, but we are going</p> <p>20 to mark all the documents you brought with you today</p> <p>21 as an exhibit, and obviously we can assume that,</p> <p>22 although you may have reviewed the claims, that you --</p> <p>23 before today, you came here prepared to testify only</p> <p>24 about the claims that are set forth in the documents</p> <p>25 you brought with you today; correct?</p>	<p style="text-align: right;">47</p> <p>1 basically reviewed it and either confirmed or didn't</p> <p>2 confirm what I said about it.</p> <p>3 MR. FRANKLIN: Object to form. The</p> <p>4 witness, Lance, is not required to bring documents.</p> <p>5 It's just that we did bring those that met the</p> <p>6 criteria. But you can ask the witness about any of</p> <p>7 the documents that you've brought.</p> <p>8 THE WITNESS: Yeah.</p> <p>9 BY MR. COOPER:</p> <p>10 Q. You can answer the question.</p> <p>11 A. So, in essence, I brought documents that were part of</p> <p>12 this notice. Right? I did not bring all these other</p> <p>13 documents, but they have been produced, and you have</p> <p>14 them, and you can certainly ask me questions about</p> <p>15 them.</p> <p>16 These documents -- again, I think almost</p> <p>17 all of the documents that we've talked about here did</p> <p>18 not involve any loss of control.</p> <p>19 Q. Okay. Do you want to finish with your review?</p> <p>20 A. Sure. Thank you.</p> <p>21 Okay. I'm good with that one.</p> <p>22 Q. So go to tab 14, please. A Glen Wilt claim. He's</p> <p>23 from Garrettsville, Ohio. He owns a 2005 Chevy</p> <p>24 Cobalt. The claim open date, June 27, 2005. Vehicle</p> <p>25 has 12,000 miles on it. Again, the agent notes is</p>
<p style="text-align: right;">46</p> <p>1 MR. FRANKLIN: Object to form.</p> <p>2 THE WITNESS: Well, the claims that were</p> <p>3 brought here meet the criteria that was described by</p> <p>4 Mr. Franklin where we had an allegation of stalling</p> <p>5 and loss of control, and I think almost all the claims</p> <p>6 that we've reviewed -- I'm not sure all of them --</p> <p>7 that you have in your book did not result in loss of</p> <p>8 control.</p> <p>9 BY MR. COOPER:</p> <p>10 Q. And you did not come prepared to testify about those,</p> <p>11 although obviously, as we sit here today and talk</p> <p>12 about them, you can talk about what is in the</p> <p>13 documents that are before you today; correct?</p> <p>14 MR. FRANKLIN: Object to form.</p> <p>15 THE WITNESS: Again, I'm not sure what you</p> <p>16 mean by "prepared to." I mean what we said was that</p> <p>17 we would testify on the documents that are in that</p> <p>18 amended notice, and that is what I brought. Right?</p> <p>19 So "prepared" is kind of an ambiguous word.</p> <p>20 BY MR. COOPER:</p> <p>21 Q. Well, no, "prepared" is not -- "prepared" means, if I</p> <p>22 ask you, for example, about a claim and document in</p> <p>23 here which you didn't bring with you today, you would</p> <p>24 not be prepared to testify about it, unless I</p> <p>25 presented you with my own document today and you just</p>	<p style="text-align: right;">48</p> <p>1 stalls; is that correct?</p> <p>2 A. Correct.</p> <p>3 Q. And if you go to the top of the next page, it says:</p> <p>4 "Friday customer's wife was in the vehicle</p> <p>5 on the way home when the vehicle stalled in the middle</p> <p>6 of the intersection. Customer feels that she was</p> <p>7 nearly hit in the intersection."</p> <p>8 Did I read that correctly?</p> <p>9 A. Yes.</p> <p>10 Q. Go to tab 15, please.</p> <p>11 A. Okay. So if you don't mind me just kind of glance</p> <p>12 through the rest of this.</p> <p>13 So this one, again, did not involve loss of</p> <p>14 control. Okay.</p> <p>15 Q. What do you know about the Helen Nute case, Helen Nute</p> <p>16 claim?</p> <p>17 A. So you'll have to help me with the number.</p> <p>18 Q. Well, see if it's in your documents there, sir.</p> <p>19 A. Are you going to give me a Bates number, or do you</p> <p>20 want me to look through names?</p> <p>21 Q. Sure, look through names.</p> <p>22 A. So spell the name for me, please.</p> <p>23 Q. Helen N-u-t-e. Actually, the Bates number, I've got</p> <p>24 it. 18335.</p> <p>25 A. I don't think I have that one in here. 18335?</p>



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<p style="text-align: right;">49</p> <p>1 Q. Yes.</p> <p>2 MR. FRANKLIN: While he looks at that,</p> <p>3 Lance, I want to confirm, 14 was the Glen Wilt case,</p> <p>4 Bates number 18285; is that right?</p> <p>5 MR. COOPER: Correct.</p> <p>6 MR. FRANKLIN: Okay. And we've not gone to</p> <p>7 15 yet?</p> <p>8 MR. COOPER: Correct.</p> <p>9 MR. FRANKLIN: Okay. Thanks.</p> <p>10 THE WITNESS: All right. So unless I've</p> <p>11 misordered these, I don't have that one in here.</p> <p>12 BY MR. COOPER:</p> <p>13 Q. So do you know anything about it? Are you prepared to</p> <p>14 testify about it?</p> <p>15 A. Well, I can't remember about it. If I can look at it,</p> <p>16 I may be able to answer your questions.</p> <p>17 Q. The question is, are you prepared today to testify</p> <p>18 about that claim?</p> <p>19 A. If you show me the claim, I can answer your question.</p> <p>20 I can't answer a question that way. I'm prepared to</p> <p>21 testify about claims. I brought claims that involved</p> <p>22 loss of control as defined in our objection, and if</p> <p>23 you let me look at the claim, we can see if I can</p> <p>24 answer questions about it for you.</p> <p>25 Q. What do you know about the Nathan Hill claim?</p>	<p style="text-align: right;">51</p> <p>1 brought, Lance. I would ask that you provide -- you</p> <p>2 just tell the witness which tab to turn to, and you</p> <p>3 can ask questions, as opposed to a memory contest.</p> <p>4 BY MR. COOPER:</p> <p>5 Q. It's not a memory contest. I'm asking what you have</p> <p>6 done to prepare yourself to testify about that claim.</p> <p>7 A. Well, again, I don't have those claims in front of me.</p> <p>8 I need to look at the document. And if I can't answer</p> <p>9 your questions, so be it. But I believe I can answer</p> <p>10 your questions, so show me the document.</p> <p>11 Q. How many claims have there been involving -- engine</p> <p>12 stalling involving 2005 and 2006 Cobalts?</p> <p>13 MR. FRANKLIN: Object to form.</p> <p>14 THE WITNESS: I don't know the answer to</p> <p>15 that.</p> <p>16 BY MR. COOPER:</p> <p>17 Q. How many warranty claims have there been involving</p> <p>18 engine stalling in 2005 and 2006 Cobalts?</p> <p>19 A. I don't know the answer to that.</p> <p>20 Q. Are you prepared to testify about the warranty claims</p> <p>21 at all?</p> <p>22 A. Well, again, in our amended notice, we were prepared</p> <p>23 to talk about these claims that involve stalling, but</p> <p>24 the warranty data was produced. If you show me the</p> <p>25 warranty data, I may be able to answer your questions,</p>
<p style="text-align: right;">50</p> <p>1 MR. FRANKLIN: Let me object to this line</p> <p>2 of questioning. We have produced almost 32,000 pages</p> <p>3 of claims, lawsuits, et cetera, from numerous</p> <p>4 databases from the searches that Mr. Hakim has already</p> <p>5 described. I think it is fundamentally unfair to just</p> <p>6 throw out the name of a claimant that might fall among</p> <p>7 those 32,000 pages and expect the witness to have</p> <p>8 instant recall of that particular claim.</p> <p>9 If counsel has a question about a</p> <p>10 particular claim, he should present the witness with</p> <p>11 that document that GM produced, and the witness can</p> <p>12 certainly answer questions and advise as to whether or</p> <p>13 not he recalls reviewing that claim. But giving out a</p> <p>14 name among 32,000 pages, I think, is completely</p> <p>15 unreasonable.</p> <p>16 BY MR. COOPER:</p> <p>17 Q. You can answer the question.</p> <p>18 A. I need the Bates number to answer the question.</p> <p>19 Q. Sure. 18338.</p> <p>20 A. So I have 18 -- I don't have that one. So if it's in</p> <p>21 one of your tabs, I can answer questions about it.</p> <p>22 Q. What do you know about the Raymond Gilbert claim,</p> <p>23 18454?</p> <p>24 MR. FRANKLIN: I'm going to object again.</p> <p>25 It appears that these are in the notebook that you</p>	<p style="text-align: right;">52</p> <p>1 of course.</p> <p>2 Q. What warranty data have you reviewed, sir?</p> <p>3 A. Actually, I don't believe I reviewed the warranty</p> <p>4 data.</p> <p>5 Q. So if you haven't reviewed the warranty data, you are</p> <p>6 not prepared to testify about the warranty data? Fair</p> <p>7 to say?</p> <p>8 MR. FRANKLIN: Object to form.</p> <p>9 THE WITNESS: No. If you show me the</p> <p>10 warranty data, I may be able to answer your questions,</p> <p>11 but I don't know that that fits the dep notice in</p> <p>12 terms of claims, in terms of these types of claims.</p> <p>13 BY MR. COOPER:</p> <p>14 Q. You don't know whether our amended notice incorporated</p> <p>15 the warranty claims?</p> <p>16 A. I -- we have this notice, and we have our objections,</p> <p>17 and the objections and what we were going to testify</p> <p>18 to did not include the warranty data.</p> <p>19 Q. How many claims have there been where there has been</p> <p>20 an accident and an airbag has not deployed in a</p> <p>21 Cobalt?</p> <p>22 MR. FRANKLIN: Object to form.</p> <p>23 THE WITNESS: I don't know the answer to</p> <p>24 that question.</p> <p>25 BY MR. COOPER:</p>



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<p style="text-align: right;">53</p> <p>1 Q. Have you done anything to prepare yourself to testify</p> <p>2 about those incidents or claims?</p> <p>3 MR. FRANKLIN: Let me object to the form of</p> <p>4 this line of questioning for the same reasons that</p> <p>5 I've stated before. The witness is here. The witness</p> <p>6 has reviewed the numerous claims, lawsuits, et cetera,</p> <p>7 from the numerous databases that have been provided in</p> <p>8 this case, and is here to talk about those. Again, I</p> <p>9 would object to this line of questioning.</p> <p>10 If counsel has a question for the witness,</p> <p>11 I would ask that the documents that counsel has</p> <p>12 brought, that he present the witness with them and</p> <p>13 allow the witness to testify.</p> <p>14 MR. COOPER: Can you reread my question,</p> <p>15 please?</p> <p>16 (Record read back as requested.)</p> <p>17 BY MR. COOPER:</p> <p>18 Q. Involving airbag non-deployments in '05 and '06</p> <p>19 Cobalts.</p> <p>20 A. No, I looked at claims that involve stalling.</p> <p>21 Q. Let's go to tab 15. Lisa Funk from Levittown,</p> <p>22 Pennsylvania owned an '05 Cobalt. The GM claim date</p> <p>23 is opened July 7th of 2005, the vehicle had</p> <p>24 2,320 miles on it, and the agent note again is stalls;</p> <p>25 correct?</p>	<p style="text-align: right;">55</p> <p>1 can't tell you that.</p> <p>2 Q. Tab 16.</p> <p>3 A. I would like to read the pages in between. Okay.</p> <p>4 Q. Tab 16. Helen Nute from Plainfield, Vermont owned an</p> <p>5 '05 Cobalt. The GM claim open date is July 18th,</p> <p>6 2005. Odometer is 3,853 miles.</p> <p>7 Do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. And the middle of the body of the paragraph as far as</p> <p>10 the customer issues, it says:</p> <p>11 "Purchase new Cobalt from Cody Chevrolet on</p> <p>12 July" -- excuse me -- "June 17th, '05, and all repairs</p> <p>13 have been completed. Vehicle has experienced several</p> <p>14 failures, to include unduplicated engineering" --</p> <p>15 "engine stalling concerns."</p> <p>16 Did I read that correctly?</p> <p>17 A. Yes.</p> <p>18 Q. Go to tab-17, please.</p> <p>19 A. Okay. So, again, no loss of control there. Tab 17?</p> <p>20 Q. Sure. Nathan Hill from Corpus Christi, Texas owned a</p> <p>21 2005 Cobalt. The GM claim open date, July 21, 2005.</p> <p>22 Odometer, 3,200 miles.</p> <p>23 Did I read that correctly?</p> <p>24 A. Yes.</p> <p>25 Q. And the body of the paragraph or document says:</p>
<p style="text-align: right;">54</p> <p>1 A. Correct.</p> <p>2 Q. And the body of the document:</p> <p>3 "Customer states speaking with customer's</p> <p>4 mother, Rhonda. Daughter purchased a 2005 Chevy</p> <p>5 Cobalt. Replaced a whole new gas tank. Customer</p> <p>6 states her daughter has had it stall three times.</p> <p>7 States her daughter does not feel safe."</p> <p>8 Did I read that correctly?</p> <p>9 A. Yes.</p> <p>10 Q. And then if you go to the next red tab there.</p> <p>11 MR. FRANKLIN: What is the Bates number on</p> <p>12 that page?</p> <p>13 MR. COOPER: 18330.</p> <p>14 MR. FRANKLIN: Thank you.</p> <p>15 BY MR. COOPER:</p> <p>16 Q. There is a "Dissatisfied Closed Business Reason"</p> <p>17 section. It says:</p> <p>18 "Customer seeks repurchase due to</p> <p>19 intermittent stall issue. Dealer unable to diagnose</p> <p>20 or duplicate. AVM advised no repurchase."</p> <p>21 Do you know why GM would have repurchased</p> <p>22 some of the other vehicles because they were stalling</p> <p>23 and not this vehicle?</p> <p>24 A. I do not. I mean each case would be independent,</p> <p>25 right, have its own individual facts about it. So I</p>	<p style="text-align: right;">56</p> <p>1 "Complaint vehicle." It says "Allen Hill,</p> <p>2 customer states vehicle has about 2,100 miles.</p> <p>3 Customer states is calling in for his son Nathan.</p> <p>4 Customer states that he was told by dealer to contact</p> <p>5 CAC to start file."</p> <p>6 What is CAC?</p> <p>7 A. Customer assistance center.</p> <p>8 Q. "Customer states that his son purchased a new Cobalt</p> <p>9 and vehicle has been in the shop five times. Customer</p> <p>10 states that vehicle has been with the dealer this time</p> <p>11 for one and a half weeks. Customer states that the</p> <p>12 vehicle just dies. Customer states that all lights</p> <p>13 come on in dash, shakes at times, and can't drive over</p> <p>14 30 miles per hour."</p> <p>15 Did I read that correctly?</p> <p>16 A. Yes.</p> <p>17 Q. Go to tab 18.</p> <p>18 A. Yeah, if you don't mind, I just want to take a look at</p> <p>19 a few of the pages here.</p> <p>20 So it looks like they did a repurchase on</p> <p>21 this one. Okay. Next tab?</p> <p>22 Q. 18. Do you have that?</p> <p>23 A. Yes.</p> <p>24 Q. Raymond Gilbert from Detroit, Michigan owned a 2005</p> <p>25 Cobalt. The GM open claim date, August 10th of 2005,</p>



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<p style="text-align: right;">57</p> <p>1 the odometer had 14,900 miles, and the agent note, it</p> <p>2 says stalls; correct?</p> <p>3 A. Correct.</p> <p>4 Q. And the body of the document:</p> <p>5 "Customer complains about vehicle.</p> <p>6 Customer states bought vehicle new. Several times now</p> <p>7 the engine has cut off on the highway. The last time</p> <p>8 it happened, the customer hit a bump in the road, and</p> <p>9 the entire vehicle turned off. Customer wasn't able</p> <p>10 to turn the vehicle on while in neutral. Had to pull</p> <p>11 off the road and restart the vehicle. This doesn't</p> <p>12 happen all the time. Dealer states that they weren't</p> <p>13 able to duplicate the problem. Dealer advised mixing</p> <p>14 gasoline because maybe it was the gasoline. Dealer</p> <p>15 road test for 19 miles and found nothing."</p> <p>16 Did I read that correctly?</p> <p>17 A. Yes.</p> <p>18 Q. If you go to the next page.</p> <p>19 MR. FRANKLIN: Next tab or next page?</p> <p>20 BY MR. COOPER:</p> <p>21 Q. Next page, 18445, third paragraph from the bottom.</p> <p>22 "Customer concerned about safety of family</p> <p>23 with current vehicle. Customer states feels unsafe in</p> <p>24 vehicle because the vehicle has cut out at least five</p> <p>25 times before and dealer wasn't able to duplicate the</p>	<p style="text-align: right;">59</p> <p>1 accident. Customer states they have tried the new</p> <p>2 Colorado with the weight of the keys, and it didn't</p> <p>3 turn off. Customer seeks repurchase of their vehicle.</p> <p>4 CRM advised that the weight of the keys will make the</p> <p>5 vehicle turn off."</p> <p>6 And that's the GM employee; correct?</p> <p>7 A. Yes.</p> <p>8 Q. CRM?</p> <p>9 A. Yes.</p> <p>10 Q. The GM employee "advised will give this info to Kevin</p> <p>11 Andrews, as he is still researching the issue, and</p> <p>12 will contact them on August 30th."</p> <p>13 Did I read that correctly?</p> <p>14 A. Yes.</p> <p>15 Q. Go to tab 19, please, sir.</p> <p>16 A. I'm just cleaning up the rest of this document, if you</p> <p>17 don't mind.</p> <p>18 Q. Sure.</p> <p>19 A. I think there is some description on Bates</p> <p>20 number 18459 where there is some aftermarket alarm</p> <p>21 interfacing with the ignition and some thoughts of</p> <p>22 that being the issue on the vehicle.</p> <p>23 Where do you want me to go now?</p> <p>24 Q. 19, please. The owner is Evelyn Ledoux, Plainfield,</p> <p>25 Connecticut, a 2005 Cobalt. A GM open claim date,</p>
<p style="text-align: right;">58</p> <p>1 problem. Customer states dealership is a good dealer,</p> <p>2 and they have done everything to help customer out,</p> <p>3 but no diagnostic has been given."</p> <p>4 Did I read that correctly?</p> <p>5 A. Yes.</p> <p>6 Q. And if you go to the next page ending in 456, the</p> <p>7 first full paragraph:</p> <p>8 "Customer states that this issue is big</p> <p>9 safety concern and does not want wife driving vehicle</p> <p>10 anymore. Engine died again this morning when he was</p> <p>11 driving on freeway through construction zone at about</p> <p>12 60 miles per hour after hitting bump in the road.</p> <p>13 Previous CRM advised that customer could go to another</p> <p>14 dealer for second opinion, but if no concern was</p> <p>15 found, customer would be charged diagnosis fee."</p> <p>16 Did I read that correctly?</p> <p>17 A. Yes.</p> <p>18 Q. If you go to the next page, sir. To the right there,</p> <p>19 the bottom right-hand side ending in 458:</p> <p>20 "Customer called. Customer states that</p> <p>21 wife doesn't feel safe in vehicle because vehicle</p> <p>22 stopped inside the service bay at dealership with the</p> <p>23 weight of the keys. Customer states that wife is</p> <p>24 scared in that the vehicle would turn off when the</p> <p>25 vehicle is on the freeway and be caught in an</p>	<p style="text-align: right;">60</p> <p>1 August 11, 2005. The odometer, a little over</p> <p>2 12,000 miles, and the agent notes is stalls; correct?</p> <p>3 A. Correct.</p> <p>4 Q. And the body of the document:</p> <p>5 "Vehicle customer states refusing to</p> <p>6 replace the ignition switch and president of the</p> <p>7 company told them to do it. I have been in near</p> <p>8 accident because of the car shutting off while I was</p> <p>9 driving down the streets -- street." Excuse me. "So</p> <p>10 many problems with this vehicle, I just don't feel</p> <p>11 safe in it."</p> <p>12 And then there is another note at the</p> <p>13 bottom. "Concern," question mark, "unsafe vehicle,</p> <p>14 engine shuts off while driving."</p> <p>15 Did I read that correctly?</p> <p>16 A. Yes.</p> <p>17 Q. Go to tab 20.</p> <p>18 A. Okay. So just let me clear the rest of the pages.</p> <p>19 So this is -- it looks like there was an</p> <p>20 accident, and the allegation had to do with brakes.</p> <p>21 Okay. Next tab you said?</p> <p>22 Q. 20. Do you have that?</p> <p>23 A. Yes.</p> <p>24 Q. Marcos Cruz from Three Rivers, Texas owned a 2005</p> <p>25 Cobalt. The GM open claim date is August 15th, '05.</p>



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<p style="text-align: right;">61</p> <p>1 The vehicle had a little over 23,000 miles on it, and</p> <p>2 again the agent note is stalls; correct?</p> <p>3 A. Correct.</p> <p>4 Q. And the body of the document:</p> <p>5 "Jennifer Cruz, customer states that</p> <p>6 vehicle shut off on the interstate. Concern for</p> <p>7 safety for children. Customer seeks for vehicle to be</p> <p>8 replaced. Acknowledges that she was provided with</p> <p>9 extended service contract, plus one month car payment.</p> <p>10 Customer seeks for vehicle to be replaced. Does not</p> <p>11 feel safe in vehicle."</p> <p>12 Did I read that correctly?</p> <p>13 A. Yes.</p> <p>14 Q. Tab 21, please.</p> <p>15 A. Okay. I'm there.</p> <p>16 Q. Howard Gelman from Monroeville, Pennsylvania owned a</p> <p>17 2005 Cobalt. The GM claim date opened August 22,</p> <p>18 2005. The vehicle had 23,000 miles on it; correct?</p> <p>19 A. Yes.</p> <p>20 Q. And the body of the paragraph:</p> <p>21 "Customer seeks repurchase. Electrical</p> <p>22 concern. Customer states dealer cannot find anything</p> <p>23 wrong with it. Has been in at least three times for</p> <p>24 vehicle cutting off. Customer states wants to start</p> <p>25 the lemon law process. Does not feel safe in vehicle.</p>	<p style="text-align: right;">63</p> <p>1 should get the vehicle in as soon as possible."</p> <p>2 Did I read that correctly?</p> <p>3 A. Yes.</p> <p>4 Q. Go to tab 23, please.</p> <p>5 A. Okay.</p> <p>6 Q. Grant Smith from Cincinnati, Ohio owned an '05 Cobalt</p> <p>7 The GM open date is September 2, 2005. The vehicle</p> <p>8 had 9,600 miles on it, and this vehicle was actually</p> <p>9 repurchased by GM?</p> <p>10 A. Correct.</p> <p>11 Q. And in the description, in the "Work History," there</p> <p>12 is a note:</p> <p>13 "Still losing engine power, feels unsafe,</p> <p>14 and doesn't want to travel in it. Customer doesn't</p> <p>15 want the car and have loan revoked."</p> <p>16 And then it says at the bottom there, "What</p> <p>17 conditions does concern occur?" The answer is, "While</p> <p>18 driving and leaving stoplight, lost engine power."</p> <p>19 Did I read that correctly?</p> <p>20 A. Yes.</p> <p>21 Q. Go to tab 24, please.</p> <p>22 A. On Bates -- on that one, 18639, there is some</p> <p>23 discussion about a bad battery and a bad battery cell</p> <p>24 which may have caused the car to stall.</p> <p>25 Where did you want me to go next?</p>
<p style="text-align: right;">62</p> <p>1 Customer states there are no warning, no light,</p> <p>2 vehicle just shuts off. Customer just picked up</p> <p>3 vehicle from dealer today for same concern. Today</p> <p>4 they gave him a paper about stalling and a problem</p> <p>5 with the electrical system, ID number 1683813, but</p> <p>6 customer does not see how it pertains to him.</p> <p>7 Customer seeks to make sure that it is documented</p> <p>8 that, when he initially called to request it, the</p> <p>9 mileage was 11,703 miles."</p> <p>10 Did I read that correctly?</p> <p>11 A. Yes.</p> <p>12 Q. Go to tab 22, please.</p> <p>13 A. Okay. Where am I going? 22?</p> <p>14 Q. 22. Margaret Hamm from Lowell, Indiana owned a 2005</p> <p>15 Chevy Cobalt. The GM claim open date, August 25, '05.</p> <p>16 Vehicle had 6,000 miles on it, and the agent again</p> <p>17 noted stalls; correct?</p> <p>18 A. Yes.</p> <p>19 Q. And then the body of the document:</p> <p>20 "Customer states that she was driving down</p> <p>21 the highway and her knee hit under the steering wheel</p> <p>22 and the engine dies."</p> <p>23 And then if you go a few lines down, "CRM</p> <p>24 advised" -- that's the GM employee again, the CRM --</p> <p>25 "advised since this is a safety issue to customer, she</p>	<p style="text-align: right;">64</p> <p>1 Q. Tab 24, please. Arthur Ledoux from Plainfield,</p> <p>2 Connecticut owned an '05 Cobalt. The GM open claim</p> <p>3 date or claim open date, September 10, 2005. The</p> <p>4 vehicle had 13,502 miles on it, and GM repurchased</p> <p>5 this vehicle; is that right?</p> <p>6 A. Yes.</p> <p>7 Q. And the body of the document:</p> <p>8 "Customer states that he was going up on</p> <p>9 ramp and the key light (brake light) was bright red.</p> <p>10 Customer states he has taken the vehicle to the dealer</p> <p>11 for the issue in the past and that he is not taking</p> <p>12 the vehicle to a GM dealer again unless he is dropping</p> <p>13 off the vehicle."</p> <p>14 Is that right?</p> <p>15 A. Yes.</p> <p>16 Q. And again, the agent notes there is stalls?</p> <p>17 A. Yes.</p> <p>18 Q. And if you go to the blue tab, right here is one of</p> <p>19 these GM documents, "Case Assessment by Rodney Cross."</p> <p>20 Do you know Mr. Cross?</p> <p>21 MR. FRANKLIN: What is the Bates number?</p> <p>22 MR. COOPER: 18741.</p> <p>23 MR. FRANKLIN: Thanks.</p> <p>24 BY MR. COOPER:</p> <p>25 Q. Do you know Mr. Cross?</p>



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<p style="text-align: right;">65</p> <p>1 A. I do not.</p> <p>2 Q. It says "Vehicle Repair History." August 5th, '05,</p> <p>3 mileage 6,577, "Could not duplicate stall concern."</p> <p>4 And then August 12th, '05, the vehicle has 6,665 miles</p> <p>5 on it, "Replaced ignition switch housing." And then</p> <p>6 on September 15th, '05, it says "Customer states</p> <p>7 vehicle shuts off when driving. And then October 18,</p> <p>8 '05, "Could not duplicate engine stalling concern.</p> <p>9 And then January 31st, '06 "Installed key support</p> <p>10 cover."</p> <p>11 Did I read that correctly?</p> <p>12 A. Yes.</p> <p>13 Q. What is a key support cover?</p> <p>14 A. I believe that's the cover that changes the key from a</p> <p>15 slot to a hole. It's an insert.</p> <p>16 Q. And then tab 25, please, sir. Are you there?</p> <p>17 A. Yes.</p> <p>18 Q. Antoinett Vamos from North Versailles, Pennsylvania.</p> <p>19 She owned an '05 Cobalt. Open claim date,</p> <p>20 September 12th, '05. The vehicle had a little over</p> <p>21 6,500 miles on it, and the agent note again is stalls.</p> <p>22 A. Okay. I'm sorry, I just need to re-adjust a little</p> <p>23 bit. All right. That was tab 25, you said?</p> <p>24 Q. Yes. Do you have that in front of you now?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">67</p> <p>1 What is AVM?</p> <p>2 A. Area vehicle manager.</p> <p>3 Q. If you go to the next page, 773:</p> <p>4 "Customer states the dealership told her</p> <p>5 she shouldn't sit too close to the steering wheel to</p> <p>6 avoid accidentally turning off the vehicle. Customer</p> <p>7 believes she was sold something that is defective.</p> <p>8 Customer would like vehicle fixed or a new vehicle</p> <p>9 without the concern and replace it."</p> <p>10 At the bottom of the page it says:</p> <p>11 "Dealer states when the car was checked no</p> <p>12 problem could be found or duplicated. The ignition</p> <p>13 cylinder is a low-effort cylinder. The part can't be</p> <p>14 replaced or repaired. It is a design problem that</p> <p>15 can't be resolved with the current parts."</p> <p>16 Did I read that correctly?</p> <p>17 A. Yes.</p> <p>18 Q. What does "low-effort cylinder" mean?</p> <p>19 A. Well, I'm assuming what they mean is that the torque</p> <p>20 to turn the cylinder requires -- doesn't require high</p> <p>21 effort.</p> <p>22 Q. The next page, 1774, this paragraph says:</p> <p>23 "Customer states the vehicle turns off</p> <p>24 intermittently if the customer accidentally bumps the</p> <p>25 steering column or the keys."</p>
<p style="text-align: right;">66</p> <p>1 Q. I'll read it again. Antoinett Vamos from North</p> <p>2 Versailles, Pennsylvania, an '05 Chevy Cobalt. GM</p> <p>3 claim open date, 9-12-2005. The vehicle had over</p> <p>4 5,600 miles on it, and the agent notes is stalls; is</p> <p>5 that right?</p> <p>6 A. Yes.</p> <p>7 Q. And it says here in the body of the document:</p> <p>8 "Customer states vehicle has shut off on</p> <p>9 her three times. Customer states when her knee hits</p> <p>10 something under the steering column, vehicle will shut</p> <p>11 off. Vehicle doesn't do it all the time. Customer</p> <p>12 states she is going to bring it in to dealer for this</p> <p>13 concern. Also her head lamps will fog up."</p> <p>14 Did I read that correctly?</p> <p>15 A. Yes.</p> <p>16 Q. If you go to -- two pages back to Bates 773 --</p> <p>17 actually, go to 772 on the left there. Do you see</p> <p>18 that?</p> <p>19 A. Yes.</p> <p>20 Q. "CRM" -- this is the GM employee -- "advised customer</p> <p>21 states vehicle is turning off when she hits the</p> <p>22 steering column or dash with her knee. She has been</p> <p>23 told there is an issue but there is no fix. CRM seeks</p> <p>24 to know if there should be a fix or if the AVM</p> <p>25 should."</p>	<p style="text-align: right;">68</p> <p>1 Do you see that?</p> <p>2 A. I'm sorry, you said 1774?</p> <p>3 Q. Right there.</p> <p>4 A. Okay.</p> <p>5 Q. And I'll reread that first sentence.</p> <p>6 "Customer states the vehicle turns off</p> <p>7 intermittently if the customer accidentally bumps the</p> <p>8 steering column or the keys. Service manager states</p> <p>9 when the car was checked no problem could be found or</p> <p>10 duplicated. Diagnosis - concern unable to duplicate.</p> <p>11 Per TSB, key may be turning when hit with knee."</p> <p>12 And that's -- TSB is technical service</p> <p>13 bulletin; is that right?</p> <p>14 A. Yes.</p> <p>15 Q. "The ignition cylinder is a low-effort cylinder. The</p> <p>16 part can't be replaced or repaired. It is a design</p> <p>17 problem that can't be resolved with the current parts.</p> <p>18 Customer feels unsafe in the vehicle knowing it could</p> <p>19 turn off the vehicle while driving, like when pulling</p> <p>20 out into traffic. Customer would like to have the</p> <p>21 concern resolved or be put in a different vehicle</p> <p>22 without any concern. Please let me know what we can</p> <p>23 do for the customer's vehicle to operate like any</p> <p>24 other vehicle or if repurchase is an option."</p> <p>25 And then if you go to the top of the next</p>



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<p style="text-align: right;">69</p> <p>1 page, 775, it says "PAAVM states." What is a PAAVM?</p> <p>2 Pennsylvania?</p> <p>3 A. Must be.</p> <p>4 Q. AVM. And what is AVM again?</p> <p>5 A. Area vehicle manager.</p> <p>6 Q. Is that a GM employee?</p> <p>7 A. Yes.</p> <p>8 Q. The GM employee states:</p> <p>9 "This is a known vehicle concern at this</p> <p>10 time. Has no suggested fix. The vehicle has a</p> <p>11 low-effort key cylinder as a normal function of the</p> <p>12 vehicle. All he can suggest at this time is to be</p> <p>13 patient in waiting for a possible solution, while</p> <p>14 being careful not to bump the ignition cylinder. GM</p> <p>15 is working on the solution, but no buyback or</p> <p>16 repurchase will be considered."</p> <p>17 Did I read that correctly?</p> <p>18 A. Yes.</p> <p>19 Q. And then if you go down the page, it says "CRM</p> <p>20 advises," or the GM employee advises:</p> <p>21 "I got a response from back from the AVM.</p> <p>22 The AVM states this is a known vehicle concern that at</p> <p>23 this time has no suggested fix. The vehicle has a</p> <p>24 low-effort key cylinder as a normal function of the</p> <p>25 vehicle. All he can suggest at this time is to be</p>	<p style="text-align: right;">71</p> <p>1 Q. Go to tab 27, please.</p> <p>2 A. Okay. So just give me a moment.</p> <p>3 Okay. I'm good. Tab 27, you said?</p> <p>4 Q. Yes, sir. Andres Filippides, College Point, New York</p> <p>5 owned an '05 Cobalt. Open claim date, September 15th,</p> <p>6 '05, the vehicle had 2,000 miles on it, and the agent</p> <p>7 notes is stalls; correct?</p> <p>8 A. Correct.</p> <p>9 Q. And the body of the document:</p> <p>10 "Purchased new -- or "Customer states</p> <p>11 purchased new. It wouldn't start for me twice. Had</p> <p>12 it towed to Bay Chevrolet by roadside both times, and</p> <p>13 they said they had fixed it both times and they</p> <p>14 didn't. Yesterday the vehicle died going 60 miles an</p> <p>15 hour on the highway. Put in into neutral, rolled it</p> <p>16 to the side of the road, and it started up. Went to</p> <p>17 the sales department at the selling dealership, and</p> <p>18 they said they can't do anything about it. Almost</p> <p>19 killed their family. Does not want the car. It's</p> <p>20 defective."</p> <p>21 Did I read that correctly?</p> <p>22 A. Yes.</p> <p>23 Q. Go to tab 28, please.</p> <p>24 A. Okay. Next tab you said?</p> <p>25 Q. 28.</p>
<p style="text-align: right;">70</p> <p>1 patient in waiting for a possible solution, while</p> <p>2 being careful not to bump the ignition cylinder. GM</p> <p>3 is working on the solution, but no buyback/repurchase</p> <p>4 will be considered."</p> <p>5 And it says "Customer states she will have</p> <p>6 to pursue an answer via other means then, such as an</p> <p>7 attorney."</p> <p>8 Did I read that correctly?</p> <p>9 A. Yes.</p> <p>10 Q. Tab -- well, let me ask you this: The Vamos claim</p> <p>11 here, did you bring that with you today as part of the</p> <p>12 documents?</p> <p>13 A. No, this claim didn't involve a loss of control.</p> <p>14 Q. Tab 26 then, please. Bonnie Robustelli, Millington,</p> <p>15 New Jersey owned an '05 Cobalt. Open claim date,</p> <p>16 August 12, 2005, the vehicle had 8,500 miles on it,</p> <p>17 and the agent notes is stalls; correct?</p> <p>18 A. Correct.</p> <p>19 Q. And then the body of the paragraph, it says:</p> <p>20 "Repurchase. Bonnie Robustelli. Customer</p> <p>21 states that she has had her vehicle in the shop on</p> <p>22 several occasions for the same stalling concern, and</p> <p>23 it had to be towed there this time."</p> <p>24 Is that correct?</p> <p>25 A. Correct.</p>	<p style="text-align: right;">72</p> <p>1 A. 28.</p> <p>2 Q. John Papa, Levittown, New York owned an '05 Cobalt.</p> <p>3 The GM open claim date, September 23, '05. The</p> <p>4 vehicle had 700 miles on it, and GM actually</p> <p>5 repurchased this vehicle; is that correct?</p> <p>6 A. Correct.</p> <p>7 Q. And the body of the document:</p> <p>8 "Vehicle customer states Cobalt has been in</p> <p>9 three times. Shuts off. They have it right now. A</p> <p>10 week after purchase she was driving home about</p> <p>11 35 miles per hour. Once it sits and she waits five</p> <p>12 minutes, it starts up again. The SVM has driven the</p> <p>13 vehicle home and was unable to duplicate the concern.</p> <p>14 Almost was rear-ended."</p> <p>15 Did I read that correctly?</p> <p>16 A. Yes.</p> <p>17 Q. Go to tab 29 -- actually, page 802. This is an</p> <p>18 electronic preliminary repurchase authorization. Is</p> <p>19 this part of the repurchase process?</p> <p>20 A. Yes.</p> <p>21 Q. And it says here "Reason For Repurchase" on this</p> <p>22 document:</p> <p>23 "Vehicle stalls at highway speed while</p> <p>24 driving. Multiple calls to engineering. Unable to</p> <p>25 locate cause for stalling condition."</p>



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<p style="text-align: right;">73</p> <p>1 Is that what it says?</p> <p>2 A. Yes.</p> <p>3 Q. And then go to Bates -- excuse me, tab number 29,</p> <p>4 please.</p> <p>5 A. Okay. What tab number?</p> <p>6 MR. FRANKLIN: You can look at the rest of</p> <p>7 the document. Have you done that?</p> <p>8 THE WITNESS: Yes.</p> <p>9 BY MR. COOPER:</p> <p>10 Q. 29.</p> <p>11 A. 29.</p> <p>12 Q. Amy Fiorilli from Limerick, Pennsylvania owned an '05</p> <p>13 Cobalt. A claim open date, September 24th, 2005, the</p> <p>14 vehicle had 1,700 miles on it, and the agent notes</p> <p>15 stalls; correct?</p> <p>16 A. Correct.</p> <p>17 Q. And the body of the document:</p> <p>18 "Customer states vehicle has been stalling</p> <p>19 two to three times a week. Took vehicle in to the</p> <p>20 dealer and was advised that if steering column is</p> <p>21 bumped, engine will cut off. Yesterday evening engine</p> <p>22 cut off again. Customer called the dealer and advised</p> <p>23 concern, and dealer advised that if she wants out of</p> <p>24 the vehicle, she could call GMAC."</p> <p>25 And again the concern is down there at</p>	<p style="text-align: right;">75</p> <p>1 her son who has driven vehicle about eight times.</p> <p>2 During four of these times the vehicle has stalled.</p> <p>3 The dealer has seen the vehicle and has performed a</p> <p>4 computer update and has also found a TSB that they</p> <p>5 feel may be related to this concern. The customer has</p> <p>6 -- the dealer has advised customer of this TSB and has</p> <p>7 advised her that her son should not bump the steering</p> <p>8 column, as this may cause stalling. Customer feels</p> <p>9 this concern is placing her son's life in danger and</p> <p>10 is afraid to have him drive the vehicle. Customer is</p> <p>11 seeking repurchase. I have spoken with the service</p> <p>12 manager who advised the TSB as well and has indicated</p> <p>13 they have been researching the concerns. I am seeking</p> <p>14 a decision on repurchase. Also, if repurchase is not</p> <p>15 an option, what will we be doing for this customer to</p> <p>16 repair this vehicle?"</p> <p>17 Did I read that correctly?</p> <p>18 A. Yes.</p> <p>19 Q. Go to tab 30, please, sir.</p> <p>20 A. Which tab number?</p> <p>21 Q. 30, please. This is Preston Delph from Hebron,</p> <p>22 Kentucky who is the owner of a 2006 Chevy Cobalt. The</p> <p>23 GM open claim date, September 27, 2005, the vehicle</p> <p>24 has a little over 3,900 miles on it, and this vehicle</p> <p>25 was actually repurchased, and the agent note again is</p>
<p style="text-align: right;">74</p> <p>1 the -- the body of the document, the concern is the</p> <p>2 engine stalls; correct?</p> <p>3 A. Correct.</p> <p>4 Q. And if you go to the next page, Bates number 1842 --</p> <p>5 18842. Yeah, we have it there. It says at the middle</p> <p>6 of that -- or top third of that page, "Escalation to</p> <p>7 TM." What does TM mean?</p> <p>8 A. Don't know.</p> <p>9 Q. "Customer states vehicle stalling when son's knee hits</p> <p>10 ignition. The vehicle stalls. Mike at dealership</p> <p>11 told her he talked to husband and told him they are</p> <p>12 aware of the issue. Mike provided customer with copy</p> <p>13 of service bulletin. Customer is fearful for her</p> <p>14 son's life. Dealer states it is a known issue and</p> <p>15 tells customer to have son not bump the ignition.</p> <p>16 Does not even want to take vehicle off dealer's lot</p> <p>17 for fear of something horrible happening. Just wants</p> <p>18 GM to take the vehicle back. How many people need to</p> <p>19 die for this issue to be a recall?"</p> <p>20 Did I read that correctly?</p> <p>21 A. Yes.</p> <p>22 Q. And then the body of the paragraph, Tricia Freshner</p> <p>23 with CAC, it says:</p> <p>24 "Customer has advised purchased" -- excuse</p> <p>25 me -- "Customer has advised purchased this vehicle for</p>	<p style="text-align: right;">76</p> <p>1 stalls; correct?</p> <p>2 A. Correct.</p> <p>3 Q. If you go to the next page, sir, there is a</p> <p>4 description of the situation, top paragraph:</p> <p>5 "Customer states the first time engine shut</p> <p>6 down, daughter was driving it. Age 18, drives to</p> <p>7 work. She was driving down the road around 35 miles</p> <p>8 per hour. When it stopped the first time, the</p> <p>9 steering column locked up, speedometer went down to</p> <p>10 zero, and brakes locked up. Got over to the side of</p> <p>11 the road and tried to start again and it did.</p> <p>12 Customer states this is the third time with mother.</p> <p>13 Customer states daughter was driving down a hill when</p> <p>14 stalled out. AC died. All lights on dash went dead</p> <p>15 and shut off. Customer states daughter got it under</p> <p>16 control. No control of brakes or anything. Got it</p> <p>17 stopped, turned off, and it started right up again.</p> <p>18 Customer states last time daughter was pulling out of</p> <p>19 the parking onto the road with green light, and</p> <p>20 vehicle died in the middle of the road. Almost went</p> <p>21 up on the curb and daughter put in park, then</p> <p>22 restarted it. Customer states she has not been in it</p> <p>23 when it has happened. September 15th was the third</p> <p>24 time, and they made -- and they made fell on its</p> <p>25 face" -- whatever that means -- "but did in six weeks</p>



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<p style="text-align: right;">77</p> <p>1 time. Had the vehicle maybe two to three weeks.</p> <p>2 Customer states vehicle is not safe to drive. Will</p> <p>3 not let her daughter drive. CRM apologized."</p> <p>4 Did I read that correctly?</p> <p>5 A. Yes.</p> <p>6 Q. Tab 31, please, sir.</p> <p>7 A. Okay. 31?</p> <p>8 Q. Rosalie Schenker from Gettysburg, Pennsylvania owned a</p> <p>9 2005 Cobalt. The GM claim open date is October 3,</p> <p>10 2005. The odometer, 2,780 miles.</p> <p>11 Did I read that correctly?</p> <p>12 A. Yes.</p> <p>13 Q. And the body of the document, it says:</p> <p>14 "Customer states owner of '05 Chevrolet</p> <p>15 Cobalt with approximately 2,780 miles. Customer</p> <p>16 states they want to register a complaint on the</p> <p>17 vehicle. Customer states when her husband was driving</p> <p>18 the vehicle and was adjusting himself, he hit the</p> <p>19 keys. The ignition cut off. Customer states it</p> <p>20 happened the day he purchased the vehicle, but he</p> <p>21 didn't think anything of it. Customer states that she</p> <p>22 feels that this is dangerous. Customer states that</p> <p>23 she is afraid to drive the vehicle. Customer states</p> <p>24 that she went to the dealer and they have not come up</p> <p>25 with a good solution. Dealer put a rubber tiny insert</p>	<p style="text-align: right;">79</p> <p>1 highlighted section:</p> <p>2 "File was escalated to AVM and denied</p> <p>3 repurchase. AVM" -- area manager -- "stated that he</p> <p>4 has worked on file closely. AVM stated that there is</p> <p>5 nothing mechanically wrong with the vehicle. It is</p> <p>6 the customer's driving habits. They hit the ignition</p> <p>7 key slot and CRM" -- excuse me -- "and CRM can close</p> <p>8 file out dissatisfied. No further recommendations for</p> <p>9 dealer at this time."</p> <p>10 Did I read that correctly?</p> <p>11 A. Yes.</p> <p>12 Q. Go to tab 32, please.</p> <p>13 A. Sorry, I'm just clearing the rest of the pages here.</p> <p>14 I think on Bates 18904 there is a statement</p> <p>15 that says "CRM asked if this happened again, and</p> <p>16 customer stated that it has not happened," after the</p> <p>17 fix.</p> <p>18 So where do you want me to go now?</p> <p>19 Q. Tab 32, please. It says Andrea Ortiz from Chicago,</p> <p>20 Illinois owned an '05 Cobalt. Open claim date,</p> <p>21 October 18th, '05, the vehicle had approximately</p> <p>22 28,000 miles on it, and it says agent notes two</p> <p>23 stalls; is that correct?</p> <p>24 A. Yes.</p> <p>25 Q. And it looks like, if you look at the next page, that</p>
<p style="text-align: right;">78</p> <p>1 in keyhole. Customer states that the ignition key</p> <p>2 turns off very easily. Customer states that dealer</p> <p>3 told him that GM engineering told him that the rubber</p> <p>4 insert is the fix. Customer states that since he has</p> <p>5 had the insert, it happened again, but has not advised</p> <p>6 the dealer."</p> <p>7 Did I read that correctly?</p> <p>8 A. Yes.</p> <p>9 Q. If you go two pages back to page 901, it says:</p> <p>10 "Customer states that when she spoke to</p> <p>11 dealer, customer states she spoke to Wayne who advised</p> <p>12 customer to come in and look at two other Cobalts.</p> <p>13 Customer states that dealer said that two employees at</p> <p>14 the dealer own Cobalts and it does the same thing that</p> <p>15 customer's vehicle does. Customer states that dealer</p> <p>16 told her that she needs to adapt. Customer states</p> <p>17 that she feels that it is a safety issue and that it</p> <p>18 is defective. "CRM" -- the GM employee -- "advises</p> <p>19 customer that concern has been escalated and</p> <p>20 repurchase has been denied due to the fact that it is</p> <p>21 not a mechanical issue but an issue with the</p> <p>22 customer's driving habits."</p> <p>23 Did I read that correctly?</p> <p>24 A. Yes.</p> <p>25 Q. And then at the bottom of the page there, the</p>	<p style="text-align: right;">80</p> <p>1 GM actually settled this case, and the reference</p> <p>2 for -- is engine stalling or engine stalls?</p> <p>3 MR. FRANKLIN: Object to form.</p> <p>4 THE WITNESS: Yes. I mean it looks like</p> <p>5 there is some kind of settlement agreement there.</p> <p>6 BY MR. COOPER:</p> <p>7 Q. Do you know where the rest of the documents for this</p> <p>8 claim are? I mean if this is a settlement of the</p> <p>9 claim, we have one page of the GM computer database</p> <p>10 printout.</p> <p>11 MR. FRANKLIN: Objection.</p> <p>12 BY MR. COOPER:</p> <p>13 Q. Do you know where the other documents would be?</p> <p>14 MR. FRANKLIN: Object to the extent it</p> <p>15 calls for privileged information.</p> <p>16 THE WITNESS: Yeah, and the answer would be</p> <p>17 no, I don't.</p> <p>18 BY MR. COOPER:</p> <p>19 Q. All right. Tab 33, please.</p> <p>20 A. I don't know if there are any other documents. Which?</p> <p>21 Q. Tab 33. Christy Grace from Fresno, California owned</p> <p>22 an '05 Cobalt. The claim open date is November 3rd,</p> <p>23 2005, the vehicle had a little over 8,000 miles on it,</p> <p>24 and the agent note is stalls.</p> <p>25 Do you see that?</p>



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<p style="text-align: right;">81</p> <p>1 A. Yes.</p> <p>2 Q. And then it says here in the body of the document:</p> <p>3 "Hedrick's Chevrolet in Fresno, California</p> <p>4 told me" -- I guess that's the customer -- "that the</p> <p>5 reason my car stalled was due to a glitch in the</p> <p>6 software and that they applied the program update. I</p> <p>7 was told by the dealership that I needed to contact</p> <p>8 customer service to receive a case number to fix the</p> <p>9 body damage caused when the car stalled and my husband</p> <p>10 lost control. I have a copy of the tow receipt. The</p> <p>11 CHP officer detailed the damage. Employee at</p> <p>12 Hedrick's Chevrolet documented the damage before I</p> <p>13 took my car. Need the car inspected for safety" --</p> <p>14 something "mailed this message November 1, 2005."</p> <p>15 Is that what it says?</p> <p>16 A. Yes.</p> <p>17 Q. And then if you go to page 1306 where that little</p> <p>18 green tab is there, bottom of the paragraph, it says:</p> <p>19 "Owner description: Customer states</p> <p>20 husband was driving vehicle. Let foot off gas to get</p> <p>21 off ramp. There was no steering so he hit the brake</p> <p>22 and it did not work and slid down the ramp and landed</p> <p>23 in some bushes. Vehicle was dead so he turned vehicle</p> <p>24 off and it started up. Customer states husband walked</p> <p>25 three miles home after incident because he was shaken</p>	<p style="text-align: right;">83</p> <p>1 Do you see that?</p> <p>2 A. Yes.</p> <p>3 Q. "There had been no problems with the car until</p> <p>4 September 24th, '05. The car stalled once in the</p> <p>5 morning and then completely shut down without warning.</p> <p>6 No warning lights came on. My husband was not able to</p> <p>7 steer the car, the brakes locked up, the brake pedal</p> <p>8 went mushy, and the engine system shut down. Thank</p> <p>9 goodness there were no cars around him. The car was</p> <p>10 towed to Hedrick's Chevrolet. Hedrick's told me the</p> <p>11 reason my car stalled was due to a glitch in the</p> <p>12 software and they applied the program update."</p> <p>13 Did I read that correctly?</p> <p>14 A. Yes.</p> <p>15 Q. And then the last -- next paragraph:</p> <p>16 "I was told by the dealership that I needed</p> <p>17 to contact customer service to receive a case number</p> <p>18 before they can fix the body damage caused when the</p> <p>19 car stalled and my husband lost control."</p> <p>20 Is that what it says?</p> <p>21 A. Yes.</p> <p>22 Q. If we go to the next tab, 34.</p> <p>23 MR. FRANKLIN: Let me state also, Lance, we</p> <p>24 will stipulate these documents say what they say, to</p> <p>25 the extent that helps speed things up.</p>
<p style="text-align: right;">82</p> <p>1 up. Customer states we were told by dealer there was</p> <p>2 a software switch, so they did update, but that was</p> <p>3 the cause of the stalling."</p> <p>4 Did I read that correctly?</p> <p>5 A. Yes.</p> <p>6 Q. Is this one of the claims that you included in your --</p> <p>7 starting with Bates number 19302?</p> <p>8 A. Yes.</p> <p>9 Q. What was the software glitch that there was with</p> <p>10 the -- this particular vehicle?</p> <p>11 A. I don't know specifically.</p> <p>12 Q. Was there, in fact, a software glitch?</p> <p>13 A. When you read this document, it looks like they</p> <p>14 updated the software in the powertrain control module</p> <p>15 the PCM.</p> <p>16 Q. Was that vehicle-wide, was that for all Cobalts, or</p> <p>17 just for this particular vehicle?</p> <p>18 A. I -- from what I can tell, they updated it for this</p> <p>19 vehicle. There may have been an update in the</p> <p>20 software in general.</p> <p>21 Q. Then if you look at Bates number 19310, which is --</p> <p>22 A. This one?</p> <p>23 Q. Yes. It's a fax from Ms. Grace to GM's customer</p> <p>24 service department regarding the '05 sedan and the</p> <p>25 incident on September 24th, 2005.</p>	<p style="text-align: right;">84</p> <p>1 BY MR. COOPER:</p> <p>2 Q. Tab 34.</p> <p>3 A. Yes.</p> <p>4 Q. Anatoleu Bekrev from Spring Hill, Tennessee, he owned</p> <p>5 an '05 Cobalt. The GM claim open date, November 3rd,</p> <p>6 2005, the vehicle had 27,000 miles on it, and the</p> <p>7 agent note is stalls; correct?</p> <p>8 A. Correct.</p> <p>9 Q. And in the body of the paragraph:</p> <p>10 "Customer states bought the vehicle brand</p> <p>11 new. Vehicle has had problems since day one. Major</p> <p>12 concern now is that the vehicle engine stalls. Engine</p> <p>13 cuts off sporadically. Driving or sitting at stop</p> <p>14 lights or stop signs. Vehicle has stalled at 80 miles</p> <p>15 per hour. Customer lost control of vehicle and almost</p> <p>16 hit tree."</p> <p>17 Did I read that correctly?</p> <p>18 A. Yes.</p> <p>19 Q. Is that one of the claims that you brought with you</p> <p>20 today?</p> <p>21 A. Yes.</p> <p>22 Q. Can I see that? Is that Bekrev? Thank you.</p> <p>23 Tab 35, please.</p> <p>24 MR. FRANKLIN: Have you had a chance to</p> <p>25 review that?</p>



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<p style="text-align: right;">85</p> <p>1 THE WITNESS: Yeah, there is some</p> <p>2 discussion on Bates 19314 about running the vehicle</p> <p>3 with low fuel and possibly could be the reason for the</p> <p>4 stall.</p> <p>5 BY MR. COOPER:</p> <p>6 Q. Tab 35. Mary Mines from Detroit, Michigan owned an</p> <p>7 '05 Cobalt. The GM claim open date, November 15th,</p> <p>8 2005, the vehicle had 1,900 miles on it, and the agent</p> <p>9 note is stalls; correct?</p> <p>10 A. Correct.</p> <p>11 Q. And the body of the document:</p> <p>12 "Caller is son, Bobby Mines. Mr. Mines</p> <p>13 states that his mother purchased the vehicle in July</p> <p>14 of '05 and has been in the shop two times for stalling</p> <p>15 issues. It happened two times yesterday, and they</p> <p>16 will have to take the vehicle back again for a third</p> <p>17 time."</p> <p>18 Did I read that correctly?</p> <p>19 A. Yes.</p> <p>20 Q. Tap 36, please.</p> <p>21 A. 36, you said?</p> <p>22 Q. Yes. Mandi Beach from Millbury, Ohio owned an '05</p> <p>23 Cobalt. The GM claim open date, November 16th, '05.</p> <p>24 The vehicle had approximately 10,000 miles on it;</p> <p>25 correct?</p>	<p style="text-align: right;">87</p> <p>1 middle of highway. Third party states that daughter</p> <p>2 could have been killed if there -- they wasn't on the</p> <p>3 side of the road. Third party states took vehicle to</p> <p>4 dealer and dealer replaced the throttle body. Third</p> <p>5 party states now daughter is afraid to drive because</p> <p>6 vehicle stalled."</p> <p>7 Did I read that correctly?</p> <p>8 A. Yes.</p> <p>9 Q. Tab 38, please.</p> <p>10 A. So they replaced the throttle body on that one. Is</p> <p>11 that -- I think that's what we said there; right?</p> <p>12 Yeah. Okay.</p> <p>13 Tab 38?</p> <p>14 Q. Yes. Krystal Davis from Willoughby, Ohio owned an '05</p> <p>15 Cobalt. The claim open date, November 28th, 2005,</p> <p>16 vehicle has 16,000 miles on it, and the agent note is</p> <p>17 stalls; is that right?</p> <p>18 A. Yes.</p> <p>19 Q. And in the body of the paragraph:</p> <p>20 "Customer states vehicle continuing to</p> <p>21 stall. Was driving vehicle in snow and stalled again</p> <p>22 and spun out into a field. Did not hit anything. No</p> <p>23 one was hurt."</p> <p>24 Did I read that correctly?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">86</p> <p>1 A. Yes.</p> <p>2 Q. Body of the document:</p> <p>3 "Vehicle customer states four-months-old</p> <p>4 Cobalt currently in there now. Driving total power,</p> <p>5 shutting car off. Dealer states keys too heavy.</p> <p>6 Knees hitting keys. Last time busy brake shut off and</p> <p>7 restart. Carsales was in the car with the customer</p> <p>8 and it shut off."</p> <p>9 Did I read that correctly?</p> <p>10 A. Yes.</p> <p>11 MR. COOPER: We can take a break.</p> <p>12 VIDEOGRAPHER: This completes disc one. We</p> <p>13 are off the record at 12:10 p.m.</p> <p>14 (A brief recess was taken.)</p> <p>15 VIDEOGRAPHER: Back on the record at 12:21.</p> <p>16 This is disc two of GM corporate rep Victor Hakim.</p> <p>17 Please proceed.</p> <p>18 BY MR. COOPER:</p> <p>19 Q. Tab 37, please. This involves Becki Williams from</p> <p>20 Woodsville, Ohio. She is an '05 Cobalt owner. The GM</p> <p>21 open claim date, November 16th, 2005. The vehicle has</p> <p>22 4,470 miles on it; correct?</p> <p>23 A. Yes.</p> <p>24 Q. And the body of the document:</p> <p>25 "Third party states vehicle stalled in the</p>	<p style="text-align: right;">88</p> <p>1 Q. If you go two pages over to page 639, the bottom</p> <p>2 right-hand corner, the highlighted section there:</p> <p>3 "Customer issue, has recurrent concerns</p> <p>4 with vehicle stalling. Last time it happened customer</p> <p>5 lost control of vehicle and spun out into ditch.</p> <p>6 Customer and family are very afraid of vehicle and</p> <p>7 will not drive it again."</p> <p>8 Did I read that correctly?</p> <p>9 A. Yes.</p> <p>10 Q. Tab 39, please.</p> <p>11 A. I don't see anything -- can I just take a look at the</p> <p>12 rest of the pages before we move on?</p> <p>13 Q. Sure.</p> <p>14 A. So it looks like this was a -- maybe it was a</p> <p>15 repurchase, and there was no reason given for the</p> <p>16 stall. Okay. Which tab?</p> <p>17 Q. 39. Christopher Whitt from McCarr, Kentucky, an '05</p> <p>18 Cobalt. December 13th, '05 open claim date. The</p> <p>19 vehicle has 12,992 miles on it, and the agent notes is</p> <p>20 stalls; correct?</p> <p>21 A. Correct.</p> <p>22 Q. And then in the body of the paragraph, it says:</p> <p>23 "Customer. I'm worried about when my</p> <p>24 vehicle stalls. I have an 11-month-old baby that</p> <p>25 rides in this car. When the vehicle quits, I have no</p>



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<p style="text-align: right;">89</p> <p>1 steering, brakes, and was about involved in an</p> <p>2 accident. When take the car to the shop, it is always</p> <p>3 can't find anything wrong. Something needs to be done</p> <p>4 before we get hurt."</p> <p>5 Did I read that correctly?</p> <p>6 A. Yes.</p> <p>7 Q. If you look at the next page ending in 680, the</p> <p>8 highlighted section where it says:</p> <p>9 "Description: Vehicle quits while driving</p> <p>10 regardless of speed. Once happened when slowing and</p> <p>11 rest time while driving two times highway speed and</p> <p>12 other three times it was in town. Has not happened</p> <p>13 since last repair. Put key ring on key. Last time</p> <p>14 happened was about 45 days ago. They have never made</p> <p>15 repairs for that."</p> <p>16 Did I read that correctly?</p> <p>17 A. Yes.</p> <p>18 Q. Tab 40, please.</p> <p>19 A. Okay. So just let me clear the rest of the pages.</p> <p>20 So it looks like, on Bates 19682, they</p> <p>21 offered a General Motors protection plan and resolved</p> <p>22 the issue with the customer.</p> <p>23 Q. Tab 40, please. Emmy Anderson from Independence,</p> <p>24 Missouri owned an '06 Cobalt. The claim open date,</p> <p>25 December 27, 2005, the vehicle had 8,000 miles on it,</p>	<p style="text-align: right;">91</p> <p>1 states she takes her kids to school, which is only</p> <p>2 15-to-20-minute drive, and the vehicle is die.</p> <p>3 Customer states the vehicle would die on her and other</p> <p>4 mechanics but never for the dealership. CRM" -- the</p> <p>5 GM employee -- "advised the customer that CRM will</p> <p>6 contact the dealer and call customer back."</p> <p>7 Did I read that correctly?</p> <p>8 A. Yes.</p> <p>9 Q. Turn to tab 41, please.</p> <p>10 A. Okay. So I'm just clearing the rest of the documents.</p> <p>11 Tab 41?</p> <p>12 Q. Yes, sir. Judith Russell from Auxvasse, Missouri</p> <p>13 owned a 2005 Cobalt. The claim open date, December</p> <p>14 29th, '05. The vehicle had 15,000 miles on it, and</p> <p>15 the agent notes is stalls; correct?</p> <p>16 A. Correct.</p> <p>17 Q. And the body of the document:</p> <p>18 "Complaint, vehicle engine stall. Husband</p> <p>19 Robert customer states when going through a curve and</p> <p>20 step on brakes, engine would die. Dealer could not</p> <p>21 duplicate. Customer feels safety issue. Dealer tried</p> <p>22 driving home and back to dealership to try to</p> <p>23 duplicate and could not duplicate. Customer only</p> <p>24 taken into dealership one time for concern. Concern</p> <p>25 occurred two times to Robert and one times to</p>
<p style="text-align: right;">90</p> <p>1 and the agent notes is stalls?</p> <p>2 A. Correct.</p> <p>3 Q. And the body of the document:</p> <p>4 "Customer states was driving vehicle last</p> <p>5 night when car shut down and customer lost control,</p> <p>6 causing her to drive into a ditch. Customer states</p> <p>7 contacted dealer. Dealer told customer to contact CAC</p> <p>8 for further assistance."</p> <p>9 What is CAC?</p> <p>10 A. Customer assistance center.</p> <p>11 Q. And then if you look at the next page ending in 723, I</p> <p>12 don't think we highlighted it, but it says:</p> <p>13 "Description of this incident: Customer</p> <p>14 states she was driving about 20 miles per hour in a</p> <p>15 construction zone. Customer states she had just taken</p> <p>16 off from a red light, switching to second gear, when</p> <p>17 the vehicle stalled. Customer could not steer.</p> <p>18 Customer then pumped the clutch to start the vehicle,</p> <p>19 but it did not. Customer states the road curves to</p> <p>20 the left a little so it caused customer to go off to</p> <p>21 the side of the road and into a grassy median.</p> <p>22 Customer states the left rear bumper has a hole in it.</p> <p>23 Customer states the vehicle would die five to ten</p> <p>24 times a day and only takes a few minutes after</p> <p>25 starting the vehicle will it shuts off. Customer</p>	<p style="text-align: right;">92</p> <p>1 father -- one time to father" -- excuse me. "Customer</p> <p>2 states does not want vehicle. Lost confidence in</p> <p>3 vehicle."</p> <p>4 Did I read that correctly?</p> <p>5 A. Yes.</p> <p>6 (Exhibit No. 3 marked.)</p> <p>7 BY MR. COOPER:</p> <p>8 Q. I'm going to show you what we've marked as Exhibit 3,</p> <p>9 which are additional claims.</p> <p>10 MR. FRANKLIN: So we are done with the set</p> <p>11 that we just --</p> <p>12 MR. COOPER: Well, I think I just kept all</p> <p>13 yours --</p> <p>14 MR. FRANKLIN: Okay.</p> <p>15 BY MR. COOPER:</p> <p>16 Q. We have tab 42. Francis Strickland from Lakeland,</p> <p>17 Georgia owned an '05 Cobalt. The claim open date,</p> <p>18 January 3rd, 2006, the vehicle had 9,250 miles on it,</p> <p>19 and the agent note is stalls; correct?</p> <p>20 A. Correct.</p> <p>21 Q. It says here in the body of the document:</p> <p>22 "Owns two vehicles. 2004 Silverado and</p> <p>23 2005 Cobalt. This concern is regarding the Cobalt.</p> <p>24 New vehicle with multiple concerns. No longer feels</p> <p>25 safe in the vehicle. '05 Cobalt has been in the shop</p>



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<p style="text-align: right;">93</p> <p>1 numerous times. Does not feel safe in vehicle.</p> <p>2 Vehicle stalls intermittently. Check engine light</p> <p>3 comes on and sometimes fails to accelerate when</p> <p>4 pressing the gas pedal. Also makes thumping noise</p> <p>5 coming from rear of vehicle on right-hand side.</p> <p>6 States they would like GM to exchange the vehicle."</p> <p>7 Is that correct?</p> <p>8 A. Correct.</p> <p>9 Q. Turn to tab 43, please.</p> <p>10 A. Okay. So just let me read the rest of these.</p> <p>11 Okay. Which tab?</p> <p>12 Q. 43, please. Lisa Sanford from Fayetteville, North</p> <p>13 Carolina owned an '06 Cobalt. Claim date opened</p> <p>14 January 16, 2006, the vehicle had 1,200 miles on it,</p> <p>15 and the agent note is stalls; correct?</p> <p>16 A. Yes.</p> <p>17 Q. And the body of the paragraph:</p> <p>18 "To whom it may concern. Please be aware</p> <p>19 that the 2006 Chevrolet Cobalt has a serious defect</p> <p>20 that is not being addressed by General Motors. The</p> <p>21 car stalls and the steering wheel locks up while it is</p> <p>22 being driven. This is a random occurrence and not</p> <p>23 associated with any particular driving situation. Why</p> <p>24 is it so dangerous? My Cobalt stopped completely in</p> <p>25 traffic with my child in the back seat. When the car</p>	<p style="text-align: right;">95</p> <p>1 of this flaw, yet they are still selling the Cobalt."</p> <p>2 Did I read that correctly?</p> <p>3 A. Yes. That's words from the customer, I believe.</p> <p>4 Q. It looks like it, yes.</p> <p>5 A. Yes.</p> <p>6 Q. We can go to tab 44.</p> <p>7 A. 44?</p> <p>8 Q. Yes. Ronald Heaster from Crawley, West Virginia owned</p> <p>9 an '05 Cobalt. A claim open date, January 18th, 2006,</p> <p>10 the vehicle had 18,379 miles on it, and this vehicle</p> <p>11 was actually repurchased, and the agent note is</p> <p>12 stalls; correct?</p> <p>13 A. Correct.</p> <p>14 Q. And the body of the paragraph:</p> <p>15 "Ignition switch, customer states.</p> <p>16 Customer was concerned with the ignition switch on his</p> <p>17 daughter's '05 Cobalt. The vehicle was just serviced</p> <p>18 in the shop about one week from today concerning the</p> <p>19 key coming out of the ignition and the vehicle still</p> <p>20 running. The vehicle is also having problems with</p> <p>21 completely shutting off in mid driving for no reason.</p> <p>22 Customer is concerned about their daughter's safety.</p> <p>23 They were told by someone in the dealership that this</p> <p>24 was a normal occurrence on Cobalts. CRM will</p> <p>25 investigate."</p>
<p style="text-align: right;">94</p> <p>1 dies, the steering wheel locks up and the vehicle</p> <p>2 cannot be controlled. Had the driver behind me not</p> <p>3 been more alert, I would have been rear-ended at the</p> <p>4 time. I had to stop, put on my flashers, and restart</p> <p>5 the vehicle in order to proceed. It had stopped on</p> <p>6 other occasions prior to this, and I should have</p> <p>7 immediately brought it in, but I thought perhaps there</p> <p>8 was air in the line or some other innocuous problem.</p> <p>9 Until the instance above I had not realized how</p> <p>10 dangerous it was. The Cobalt has done this about ten</p> <p>11 times since we purchased it about a month ago."</p> <p>12 Did I read that correctly?</p> <p>13 A. Yes.</p> <p>14 Q. Then if you go to the next tab. That's it.</p> <p>15 MR. FRANKLIN: What is the page number?</p> <p>16 MR. COOPER: Bates 978.</p> <p>17 BY MR. COOPER:</p> <p>18 Q. First full paragraph, which says:</p> <p>19 "Although the mechanical department at the</p> <p>20 dealership has a bulletin alerting them of this</p> <p>21 problem, the Cobalt is still being sold to</p> <p>22 unsuspecting consumers. They are not being told of</p> <p>23 this potentially dangerous defect. Reed-Lallier</p> <p>24 Chevrolet of Fayetteville, North Carolina has three</p> <p>25 vehicles which have been returned for repair because</p>	<p style="text-align: right;">96</p> <p>1 Is that what that says?</p> <p>2 A. Yes.</p> <p>3 Q. If you look at the top of the next page.</p> <p>4 A. Yeah. On that current page, on 19985, "CRM called the</p> <p>5 dealership and was told that this was not a normal</p> <p>6 feature."</p> <p>7 Where did you want me to go?</p> <p>8 Q. Top of the next page, 987. Actually, it's the page</p> <p>9 after that to the right, and it says:</p> <p>10 "Customer states they are concerned with</p> <p>11 safety. Customer states vehicle stalled three times</p> <p>12 before Christmas."</p> <p>13 Is that what it says?</p> <p>14 A. Yes.</p> <p>15 Q. Turn to 45, please, sir.</p> <p>16 A. Tab?</p> <p>17 Q. 45.</p> <p>18 A. 45.</p> <p>19 Q. Salomon Maldonado from Arleta, California owned an '05</p> <p>20 Cobalt. Claim open date, February 3rd, 2006, vehicle</p> <p>21 had 16,152 miles, and the agent note is stalls;</p> <p>22 correct?</p> <p>23 A. Yes.</p> <p>24 Q. The body of the document:</p> <p>25 "Vehicle customer states I just wanted to</p>



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<p style="text-align: right;">97</p> <p>1 let someone know that the vehicle is acting like this.</p> <p>2 The vehicle stops just in the middle of the road, and</p> <p>3 this last time I almost got hit in the rear because</p> <p>4 the vehicle behind me was not expecting me to just</p> <p>5 stop in the middle of the road. The vehicle stopped</p> <p>6 in the middle of the road on me three times: One, I</p> <p>7 was going over a bump; two, I was going up a hill; and</p> <p>8 3 is when I was making a turn to another street."</p> <p>9 Did I read that correctly?</p> <p>10 A. Yes.</p> <p>11 Q. Page 46, please. Or tab 46. Excuse me. Brandy</p> <p>12 Atkins, Kernersville, North Carolina, owner of an '05</p> <p>13 Cobalt. The claim open date, February 6, 2006, the</p> <p>14 vehicle has 20,000 miles on it; correct?</p> <p>15 A. Correct.</p> <p>16 Q. Body of the document:</p> <p>17 "Nature of concern. Vehicle concern.</p> <p>18 Message. I haven't had my Cobalt long enough to be</p> <p>19 having trouble with it. But twice now while in drive</p> <p>20 on the highway my car has turned off for no reason.</p> <p>21 The first time it happened I took it to the dealership</p> <p>22 and they didn't know what was wrong and blamed it on</p> <p>23 my heavy key chain. Well, my key chain isn't heavy</p> <p>24 anymore, and my car turned off again."</p> <p>25 Did I read that correctly?</p>	<p style="text-align: right;">99</p> <p>1 A. Yes.</p> <p>2 Q. Tab 48, please.</p> <p>3 A. Okay.</p> <p>4 Q. 48?</p> <p>5 A. Yes.</p> <p>6 Q. Teresa Lafehr from Windsor Colorado, owner of a 2005</p> <p>7 Cobalt. Open claim date, February 20th, 2006. The</p> <p>8 vehicle mileage 13,740. The agent notes is stalls;</p> <p>9 correct?</p> <p>10 A. Yes.</p> <p>11 Q. And the vehicle, body:</p> <p>12 "The customer states she has been into the</p> <p>13 dealer several times. Dealer gave customer AVDOC" --</p> <p>14 whatever that means -- "that says low key ignition</p> <p>15 cylinder has the potential for customers to</p> <p>16 inadvertently turn off switch while driving. Doc says</p> <p>17 this tends to happen with short customers, and</p> <p>18 customer states she is not short. The ignition switch</p> <p>19 was changed out in about October, but the concern has</p> <p>20 happened again. The engine stalls while the customer</p> <p>21 is driving."</p> <p>22 Did I read that correctly?</p> <p>23 A. Yes.</p> <p>24 Q. Go to tab 49, please. This is Teresa Lafehr again, so</p> <p>25 go to tab 50.</p>
<p style="text-align: right;">98</p> <p>1 A. Yes.</p> <p>2 Q. Tab 47, please.</p> <p>3 A. Okay.</p> <p>4 Q. Tab 47, please. Nicholas Skias from Wernersville,</p> <p>5 Pennsylvania owned an '06 Cobalt. Claim date, open</p> <p>6 claim date, February 10th, 2006. Agent note is</p> <p>7 stalls; correct?</p> <p>8 A. Yes.</p> <p>9 Q. The message -- the vehicle concern, the message is:</p> <p>10 "I have two problems concerning my Cobalt</p> <p>11 SS. First, as I am driving down the road, my engine</p> <p>12 just shuts off out of nowhere. This incident has</p> <p>13 happened twice, once traveling at about 55 miles per</p> <p>14 hour, and another at around 40. After this happened,</p> <p>15 the car would not fire back up until approximately</p> <p>16 five minutes later. I did not spend \$22,000 for a car</p> <p>17 to have these problems. Also, I just got into an</p> <p>18 automobile accident, and the problem with that is my</p> <p>19 airbags did not deploy. The impact was definitely</p> <p>20 fast and hard enough to where they should have. I</p> <p>21 want something done about these items. If no actions</p> <p>22 are taken about the problems, I'm going to be forced</p> <p>23 to file a lawsuit because these are some big safety</p> <p>24 issues."</p> <p>25 Did I read that correctly?</p>	<p style="text-align: right;">100</p> <p>1 A. You are saying this is a repeat of that last one?</p> <p>2 Q. Yes. Yes.</p> <p>3 A. Okay.</p> <p>4 Q. Tab 50, Brian Williams from Danbury, Connecticut, '05</p> <p>5 Cobalt owner. Open date, claim open date, March 14,</p> <p>6 2006, the vehicle had 5,000 miles on it, and GM</p> <p>7 repurchased this vehicle, and the agent note is</p> <p>8 stalls; correct?</p> <p>9 A. Yes.</p> <p>10 MR. FRANKLIN: Is this number 49?</p> <p>11 MR. COOPER: 50. 49 was a duplicate.</p> <p>12 BY MR. COOPER:</p> <p>13 Q. It says -- and in the body of the document, it says:</p> <p>14 "Work history number 95. Car shutting down</p> <p>15 while driving. Customer states vehicle has four times</p> <p>16 shut down while driving. Loses power steering.</p> <p>17 Dangerous. Afraid to drive car, and it has sat mostly</p> <p>18 for two months. Wife had car today, and again, it</p> <p>19 just shut right down. Had bad words with dealership."</p> <p>20 Did I read that correctly?</p> <p>21 A. You know, I kind of lost where you were. I'm sorry.</p> <p>22 Oh, yeah, right here, you are saying. Okay. Yes.</p> <p>23 Q. All right?</p> <p>24 A. Yes.</p> <p>25 Q. And then the next -- top of the next page, 2401 -- or</p>



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<p style="text-align: right;">101</p> <p>1 excuse me, 0401, it says:</p> <p>2 "Customer states vehicle is not safe and</p> <p>3 wants GM to fix it before him, his wife, or someone</p> <p>4 else gets killed. Doesn't want to hear it can't be</p> <p>5 duplicated. It's done it four times in 5,000 miles."</p> <p>6 Did I read that correctly?</p> <p>7 A. Yes.</p> <p>8 Q. And then go two more pages or three more pages back to</p> <p>9 the document at the bottom, 404, where the green tab</p> <p>10 is there.</p> <p>11 Do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. And it says:</p> <p>14 "Customer states his wife will no longer</p> <p>15 drive the vehicle after the last incident on Friday</p> <p>16 evening when she just missed running into the back of</p> <p>17 a vehicle. Customer states he talked with Rob at the</p> <p>18 dealership who he told they would not drive the car</p> <p>19 anymore or make payments. They like the car, but it's</p> <p>20 unsafe and it's going to kill someone."</p> <p>21 Did I read that correctly?</p> <p>22 A. Yes.</p> <p>23 Q. Turn to tab 51, please.</p> <p>24 A. Okay. So where am I going now?</p> <p>25 Q. 51.</p>	<p style="text-align: right;">103</p> <p>1 A. Correct.</p> <p>2 Q. And the comments here in the body of the document:</p> <p>3 "My husband and I purchased an '05 Chevy</p> <p>4 Cobalt last Saturday, May 13th, '06, and on several</p> <p>5 occasions the car has just quit while it was being</p> <p>6 driven. We took the car to the Chevrolet shop in</p> <p>7 Siloam Springs and they can't pinpoint the problem.</p> <p>8 This is a huge problem and very dangerous. Could</p> <p>9 someone please help? Thank you."</p> <p>10 Did I read that correctly?</p> <p>11 A. Yes.</p> <p>12 Q. Tab 53, please.</p> <p>13 A. Tab 53?</p> <p>14 Q. Yes. Michael Saternitzky from Neillsville, Wisconsin,</p> <p>15 owner of a 2006 Chevy Cobalt. The claim open date,</p> <p>16 May 23, 2006. Vehicle mileage, 2,000 miles.</p> <p>17 Is that correct?</p> <p>18 A. Yes.</p> <p>19 Q. The body of the document:</p> <p>20 "Vehicle complaint. Customer states</p> <p>21 ignition has gone out twice on the vehicle and</p> <p>22 customer does not feel safe and secure while driving</p> <p>23 it. Is hoping GM will take the vehicle back.</p> <p>24 Customer has owned multiple GM vehicles in the past</p> <p>25 and just traded an '04 in for this one. Customer has</p>
<p style="text-align: right;">102</p> <p>1 A. 51.</p> <p>2 Q. Kathryn Shaffer from Malvern, Ohio, owner of an '05</p> <p>3 Chevy Cobalt. Claim open date, May 5th, 2006, vehicle</p> <p>4 had 11,000 miles on it, and the agent note is stalls;</p> <p>5 correct?</p> <p>6 A. Correct.</p> <p>7 Q. And if you look at the body of the document, there are</p> <p>8 a number of complaints. I have highlighted the ones</p> <p>9 related to stalling, where it says:</p> <p>10 "Customer states now the car shut off on</p> <p>11 daughter at 55 miles per hour yesterday. Customer</p> <p>12 states now scared to put her daughter in the car.</p> <p>13 Customer states again now we are getting into danger."</p> <p>14 Is that what she said?</p> <p>15 A. Yes.</p> <p>16 MR. FRANKLIN: Object to form.</p> <p>17 THE WITNESS: Well, that's what the</p> <p>18 document says, right.</p> <p>19 BY MR. COOPER:</p> <p>20 Q. Sure. And if you can go to tab 52.</p> <p>21 A. 52.</p> <p>22 Q. Cindy Wind from Siloam Springs, Arkansas, an '05</p> <p>23 Cobalt owner. A claim open date, May 22nd, 2006, the</p> <p>24 vehicle has a little over 20,000 miles on it, and the</p> <p>25 agent note is stalls; correct?</p>	<p style="text-align: right;">104</p> <p>1 vehicle for about two weeks before the steering locked</p> <p>2 up and the ignition quit working. The dealer fixed</p> <p>3 it. Now, about two weeks later, customer's wife was</p> <p>4 driving it and it happened again."</p> <p>5 Did I read that correctly?</p> <p>6 A. Yes.</p> <p>7 Q. Tab 54, please.</p> <p>8 A. Okay.</p> <p>9 Q. Shelley Hill from Cleveland, Ohio, owner of an '05</p> <p>10 Cobalt. The claim open date, January 5th, 2006. The</p> <p>11 vehicle mileage, 22,000 miles; correct?</p> <p>12 A. Yes.</p> <p>13 Q. And the agent note is stalls; correct?</p> <p>14 A. Correct.</p> <p>15 Q. And then the "customer seeks" here:</p> <p>16 "Customer seeks repurchase. Customer</p> <p>17 states her vehicle has cut off since she purchased</p> <p>18 vehicle. Customer states the dealer has attempted to</p> <p>19 repair several times. Customer seeks to file with the</p> <p>20 Better Business Bureau. Customer states previous</p> <p>21 rep" -- excuse me -- "customer seeks if the dealer is</p> <p>22 lying by advising that she has not brought vehicle in</p> <p>23 for service. Customer states previous rep advised</p> <p>24 only one repair. Customer states she has a ton of</p> <p>25 invoices that document that she has been to the dealer</p>



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<p style="text-align: right;">105</p> <p>1 more than once. Customer states she shouldn't have to 2 go to dealer six times now with new vehicle. Customer 3 states this is a safety concern. Customer states the 4 vehicle has shut off while coasting through an 5 intersection. Customer states the dealer has tried 6 telling her different stories. Customer states dealer 7 advised too many keys on the ring, different type of 8 gas, ignition switch, et cetera. Customer states she 9 is taking vehicle to dealer on Monday. Customer 10 states she has had numerous other concerns that she 11 does not care about because they were not safety 12 related. Customer states she is about to file with 13 the Better Business Bureau. Customer states she is 14 not the only person with a cutting-off concern." 15 Did I read that correctly? 16 A. Yes. 17 Q. Tab 55, please. 18 A. Okay. 55? 19 Q. Yes, sir. Stacey Mallett from Cartersville, Georgia, 20 owner of an '05 Cobalt. Claim open date, May 31, '06, 21 the vehicle had 4,900 miles on, and the agent note 22 says stalls; correct? 23 A. Correct. 24 Q. And if you look at the next page, there is a 25 description of the customer statements. It's 1226.</p>	<p style="text-align: right;">107</p> <p>1 is fixed and is taking car for test drive. Customer 2 begging for a new car. She is too afraid for car will 3 do it again while her daughter drives it." 4 Did I read that correctly? 5 A. Yes. 6 Q. Tab 57, please. 7 A. I'm there. 8 Q. Jamie Bella from Erlanger, Kentucky, owner of an '06 9 Cobalt. Claim open date, June 28, 2006. Vehicle has 10 10,400 miles on it; correct? 11 A. Yes. 12 Q. And the body of the customer complaint says here: 13 "Customer owned the vehicle for eight 14 months. In those eight months, the vehicle has been 15 in the dealership eight times for service problems. 16 Customer purchased the vehicle on a Friday. Monday 17 morning the car was in the service department. The 18 car completely shut down on a busy highway. She has 19 been working with the dealership for a long time to 20 try and correct the problems she is having with this 21 vehicle. The car will completely die in the middle of 22 the highway. She doesn't feel safe in this vehicle 23 anymore. She has been in a rental vehicle for the 24 past two weeks." 25 Did I read that correctly?</p>
<p style="text-align: right;">106</p> <p>1 It's the tab there you see, and it states: 2 "Customer states the vehicle has stopped 3 two times in the middle of the road. Customer states 4 when the vehicle starts to act up, if you turn the 5 vehicle off and turn it back on, the vehicle goes back 6 to normal. Customer states the vehicle is very 7 dangerous to drive. Customer states she is seeking a 8 repurchase of the vehicle." 9 Did I read that correctly? 10 A. Yes. 11 Q. Tab 56, please. 12 A. So it looks like on Bates 21228 that the body computer 13 was changed, the BCM. 14 Q. Tab 56. Eric Olsen from Hauppauge, New York, owner of 15 an '06 Cobalt. The claim open date, June 21, 2006, 16 the vehicle had 1,800 miles on it, and the agent note 17 is stalls; correct? 18 A. Correct. 19 Q. And the body of the document here: 20 "Second time repairs have been done for the 21 same problem. The car shut off. It was repaired, 22 running perfect. 27 days later car shut off in middle 23 of intersection. Customer asked dealer to fix simple 24 problems as well as the interior. Dealer never fixed 25 those. Today Larry, service manager, thinks the car</p>	<p style="text-align: right;">108</p> <p>1 A. Yes. 2 Q. Tab 58, please. 3 A. Okay. Next? 4 Q. 58. 5 A. 58. 6 Q. Patricia Manoy, East Windsor, New Jersey, owner of a 7 2006 Cobalt. Claim open date, August 22nd, 2006. The 8 vehicle had 16,980 miles on it; correct? 9 A. Yes. 10 Q. And the alleged product allegation: 11 "Vehicle involved in a collision. Customer 12 states: Customer called in once to file product 13 allegation report. States this shouldn't happen on a 14 brand-new vehicle. Son was driving the car and picked 15 up his friend on their street when the vehicle 16 suddenly stalled. He decided to pull over but he 17 was -- but he slammed into a curb. Dealer states the 18 engine blew and it's a \$3,300 repair for the parts 19 damaged." 20 Is that what it says? 21 A. Yes. 22 Q. Tab 59, please. 23 A. So this one sounds like he had a major problem with 24 the engine or blew the engine, is what I read there on 25 24434. Okay.</p>



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<p style="text-align: right;">109</p> <p>1 Q. Tab 59. Tosha Moss from Allentown, Pennsylvania owned 2 an '05 Cobalt. Claim open date, September 13, 2006, 3 the vehicle had 29,172 miles on it, and the agent 4 notes is stalls; correct? 5 A. Correct. 6 Q. And if you look at the next page, at the bottom of 7 3531. Do you have 3531? 8 A. Yes. 9 Q. It says here: 10 "Customer doesn't feel safe in vehicle that 11 has turned off on her three times. Customer states 12 the first week of August customer was driving in 13 vehicle and vehicle lost power steering. Customer 14 took vehicle to dealer for a diagnosis, but dealer was 15 unable to find any problem with the vehicle. Customer 16 again was driving on the streets and the vehicle again 17 lost power steering. Customer then again took the 18 vehicle to the dealer and again the dealer couldn't 19 find anything wrong." 20 Did I read that correctly? 21 A. Yes. 22 Q. Tab 60, please. 23 A. Okay. Tab 60. 24 Q. Harmony Wade, Alexandria, Virginia, owner of a 2006 25 Cobalt. The claim open date, November 7, 2006. The</p>	<p style="text-align: right;">111</p> <p>1 above. Second, the problem I have with my car is a 2 scary one. My car is currently at Heritage Auto 3 Plaza. It is there because I was in a car accident 4 when the power in my car completely shut off while I 5 was driving it. The steering wheel did not work, the 6 brakes were unresponsive, and everything in the 7 cockpit went to zero. Only the headlights and the 8 radio continued to work. This is the second time this 9 has happened. The first time I was able to move the 10 car off the road." 11 Did I read that correctly? 12 A. Yes. 13 Q. Then it says: 14 "I took my car to Rosenthal Chevrolet. 15 They told me nothing was wrong, it was a fluke and 16 would never happen again. I'm now completely afraid 17 of my car. Again they have said there is no problem. 18 I have since learned some things about how the Cobalt 19 is made. It is very disturbing. I do not want the 20 car. Can someone please contact me so we can discuss 21 how to resolve this?" 22 Did I read that correctly? 23 A. Yes. 24 Q. Tab 61, please. 25 MR. FRANKLIN: I need to take a quick</p>
<p style="text-align: right;">110</p> <p>1 vehicle had 4,500 miles on it; correct? 2 A. Correct. 3 Q. And if you look at the next page ending in 861, bottom 4 left, it says "Vehicle shut off while driving." 5 Do you see that? 6 A. Yes. 7 Q. And if you look at the next page, 862, the center of 8 the page, it says: 9 "The customer states alleged product 10 allegation collision. Customer states the vehicle 11 shut down causing no control over the vehicle. The 12 vehicle was unresponsive, causing a collision. 13 Customer seeks reimbursement for rental vehicle and 14 wants money back. The car is a lemon, I don't want 15 that car ever again in my life -- or in life." Excuse 16 me. "I keep saying I'm going to go and get it and I 17 just haven't. CRM advised customer that their 18 information will be forwarded to the product 19 allegation department within the BRC." 20 Did I read that correctly? 21 A. Yes. 22 Q. Next page ending in 863, there is a "Vehicle Concern" 23 paragraph, and it says: 24 "First, I actually have a 2006 Cobalt, but 25 that option wasn't available on the pull-down menu</p>	<p style="text-align: right;">112</p> <p>1 break. 2 VIDEOGRAPHER: We're off the record at 3 1:05 p.m. 4 (A brief recess was taken.) 5 VIDEOGRAPHER: Back on the record at 1:12. 6 Go ahead. 7 BY MR. COOPER: 8 Q. Tab 61, please. Nancy Engle from Orlando, Florida, 9 owner of an '05 Cobalt. The claim open date, 10 November 30, 2006, vehicle has 11,775 miles on it, and 11 the agent notes is stalling; correct? 12 A. Correct. 13 Q. And it says: 14 "Recurring engine problem. Customer states 15 engine keeps shutting off. Happened six times. Wheel 16 would lock. Brought it to a GM dealership, but dealer 17 could not duplicate concern." 18 Did I read that correctly? 19 A. Yes. 20 Q. If you look at the next page ending in 848, bottom 21 left-hand paragraph, it says: 22 "Her daughter bought a 2005 Cobalt. She is 23 the second owner and she is still in warranty. She 24 purchased the vehicle approximately a month and a half 25 ago, beginning of October, and since then, when she is</p>



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<p>113</p> <p>1 driving on the road, the engine would stop working and</p> <p>2 the steering locks. They have bought it into the</p> <p>3 dealership, and they have been unable to duplicate the</p> <p>4 problem, as it happened approximately six times and</p> <p>5 they cannot seem to find out what is wrong with it.</p> <p>6 Ms. Engle is extremely worried that the engine will go</p> <p>7 out at the wrong time and there will be a serious</p> <p>8 accident."</p> <p>9 Did I read that correctly?</p> <p>10 A. Yes.</p> <p>11 Q. Tab 62, please. Gabriel Karam from Burson,</p> <p>12 California, an owner of an '05 Cobalt. Claim open</p> <p>13 date, December 4th, 2006. Vehicle miles, 17,000.</p> <p>14 Agent notes, stalls; correct?</p> <p>15 A. Correct.</p> <p>16 Q. And then the customer complaint:</p> <p>17 "Customer calling on behalf of daughter,</p> <p>18 Jennifer Karam. Customer states happened the first</p> <p>19 time two or three months after purchase. Jennifer</p> <p>20 Karam. He feels as though the vehicle is not safe for</p> <p>21 his daughter because it happened all of a sudden.</p> <p>22 Customer seeks for the problem to be fixed."</p> <p>23 Did I read that correctly?</p> <p>24 A. Yes.</p> <p>25 Q. Tab 63, please. Virginia Aranda from Fort Worth,</p>	<p>115</p> <p>1 Did I read that correctly?</p> <p>2 A. Yes.</p> <p>3 Q. Tab 64, please. Dale Johnston from McKeesport,</p> <p>4 Pennsylvania, owner of an '05 Cobalt. GM claim open</p> <p>5 date, January 18th, 2007, vehicle mileage 27,500, and</p> <p>6 the agent notes stalls; correct?</p> <p>7 A. Correct.</p> <p>8 Q. And the customer statement at the bottom of the page:</p> <p>9 "Customer states has had numerous problems</p> <p>10 with this car. Many warning lights keep coming on,</p> <p>11 engine stalls, power steering locks up, and this</p> <p>12 almost causes daughter to have an accident.</p> <p>13 Transmission."</p> <p>14 Did I read that correctly?</p> <p>15 A. Yes.</p> <p>16 Q. Tab 65, please.</p> <p>17 A. So Bates 22366 says -- it says:</p> <p>18 "Advised, called in" -- and this is sort of</p> <p>19 in the middle lower portion of that -- "the dealership</p> <p>20 replaced the computer ignition system in the car, and</p> <p>21 it's okay now. Will call again if it acts up, but he</p> <p>22 doesn't think that will happen now, and thanked me for</p> <p>23 all my help."</p> <p>24 So it looks like they changed the computer</p> <p>25 ignition system in that one.</p>
<p>114</p> <p>1 Texas owned a 2006 Cobalt. The GM claim open date,</p> <p>2 December 20, 2006. Vehicle mileage, 1,200 miles;</p> <p>3 correct?</p> <p>4 A. Yes.</p> <p>5 Q. And the customer statement or work history:</p> <p>6 "The car keeps dying on her. Customer</p> <p>7 states owns Chevy Cobalt 2006. It keeps dying on her.</p> <p>8 It happened five times this last week. Customer is</p> <p>9 afraid something might happen to her since she is</p> <p>10 elderly. Customer took the vehicle to the dealership</p> <p>11 and they said they can't find anything."</p> <p>12 Did I read that correctly?</p> <p>13 A. Yes.</p> <p>14 Q. Look at the bottom of the page, "Transfer from</p> <p>15 Manila," it says:</p> <p>16 "Customer states stalled on her on I35 and</p> <p>17 20 south. Great people at the dealership. Third or</p> <p>18 fourth time it has been in there. Visited her in her</p> <p>19 home twice. Could have got killed twice because it</p> <p>20 stalled on her twice. Luckily the Lord blessed her</p> <p>21 and it just floated to the side of the road. Started</p> <p>22 after that. Five times it stalled on her last week.</p> <p>23 Terrified to go anywhere because she is scared it will</p> <p>24 stall on her. She has never had to drive in the slow</p> <p>25 lanes."</p>	<p>116</p> <p>1 Q. Tab 65, please. Tom Edwards, owner of a -- or owned a</p> <p>2 2006 Chevy Cobalt. Claim open date, January 22nd,</p> <p>3 2007, and this was actually a repurchase? The vehicle</p> <p>4 was repurchased?</p> <p>5 A. Yes.</p> <p>6 Q. It says here on the bottom:</p> <p>7 "Customer states been in and out of</p> <p>8 dealership for five times. Dealer cannot duplicate</p> <p>9 the problem on the vehicle. Customer states that</p> <p>10 sometimes when he is driving, the vehicle dies out,</p> <p>11 and there is something wrong with the transmission.</p> <p>12 He does not enjoy to drive it anymore. He is a GM</p> <p>13 employee. Wants to speak to us so that he won't file</p> <p>14 a lemon case."</p> <p>15 Did I read that correctly?</p> <p>16 A. Yes.</p> <p>17 Q. Tab 66, please.</p> <p>18 A. Tab 66.</p> <p>19 Q. Danielle Fee from Tupperlake, New York owned a 2005</p> <p>20 Cobalt. The claim open date, February 22nd, 2007,</p> <p>21 vehicle mileage, 20,730, and the agent note is stalls.</p> <p>22 Do you see that?</p> <p>23 A. Yes.</p> <p>24 Q. And the body of the document:</p> <p>25 "Car shutting off while driving. Lauri</p>



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<p style="text-align: right;">117</p> <p>1 Dukette, mother, calling in for daughter. Customer 2 states daughter is traveling distance of one hour and 3 15 every day to school. Second time this has 4 happened. Car shut off going 55 miles an hour and the 5 car shut off, everything went black, steering locked, 6 which she then had no control. She went into a spin 7 and then came to a stop on the side of the road. Came 8 to a stop in a snowbank. Called dealership once again 9 this morning. She was not hurt, no damage done, but 10 mother very afraid something terrible will happen. 11 Vehicle has been in before, and they could not find 12 anything." 13 Did I read that correctly? 14 A. Yes. 15 Q. Tab 67, please. 16 A. Okay. 67? 17 Q. Yes, sir. Richard Cline from Saint Albans, West 18 Virginia owned a 2005 Cobalt. The claim open date, 19 March 15th, 2007. Vehicle mileage, 20,940; correct? 20 A. Yes. 21 Q. And the vehicle concern, the message is: 22 "I purchased a Cobalt for my wife nearly 23 two years ago. We have had it in the shop several 24 times and we have had nothing but problems with it. 25 Each month it is something new and she barely drives</p>	<p style="text-align: right;">119</p> <p>1 sons in the vehicle because the vehicle has been 2 shutting off." 3 Is that what it says? 4 A. Yes. 5 Q. It says: 6 "And there have been problems with 7 antifreeze leaking and the sunroof fell and the 8 vehicle has had a misfire. Dealer states that there 9 was water in the gas. We don't use the cheap stuff 10 because he owns the car, but his sons drive it. He is 11 a big man. Jason Naim at the dealer says that he was 12 going to personally drive it, but he is not sure if he 13 really did that. But it is not safe to be driving. 14 Dealer says that they would call GM. I guess they did 15 call GM, but he is afraid that it will stall on their 16 boys and put an engine switch on the vehicle. But 17 when you are pulling over, you don't have time to be 18 pushing the button. He takes it for maintenance. 19 Naim Jason, head of the service department, names the 20 guys that worked on it, Chris Helferd, Christine, but 21 he was told that Jason was not in until noon. 22 Dealership is closed." 23 Did I read that correctly? 24 A. Yes. 25 Q. Tab 69, please.</p>
<p style="text-align: right;">118</p> <p>1 it. I'm beyond furious because each time we take it 2 to the shop, they mysteriously find nothing wrong with 3 it. The engine stalls, the steering wheel ignition 4 locks up, it leaks, it rattles. The AC surges and 5 locks up. This is ridiculous. I want something done 6 for the safety of my wife and children before the car 7 breaks down on the side of the road. Can someone 8 contact me and get this resolved? Apparently no one 9 locally is competent enough to handle the situation. 10 I would either like to have the car completely 11 repaired, or I feel that her car should be replaced 12 immediately. Please contact me." 13 Did I read that correctly? 14 A. Yes. 15 Q. Tab 68, please. 16 A. Okay. Tab 68? 17 Q. Yes, sir. Bradley Zinn from Hanover, Pennsylvania 18 owned a 2006 Cobalt. GM claim open date, March 19th, 19 2007. Vehicle mileage, 11,000. Agent notes, stalls; 20 correct? 21 A. Yes. 22 Q. The body of the document: 23 "Vehicle customer states they just got the 24 vehicle back, but they have taken the vehicle to the 25 dealer about four times and he feels unsafe having his</p>	<p style="text-align: right;">120</p> <p>1 A. Okay. 69. 2 Q. Paul Graveline from Virginia Beach, Virginia owned a 3 2005 Cobalt. The open date, claim open date, was 4 April 6, 2007, and the agent notes was stalls; 5 correct? 6 A. Correct. 7 Q. Tab 70, please. Christine Rafool from Canton, 8 Georgia, owner of a 2005 Cobalt. Claim open date, 9 April 13, 2007, the mileage was 15,000, and the agent 10 notes was stalls; correct? 11 A. Correct. 12 Q. And it says here in the body of the document: 13 "Customer states" -- it says "Engine 14 stalling. Customer states was purchased for the 15 daughter and it stalled. Today turning onto the side 16 street and it stalled on the daughter while she was 17 driving it. Customer states that she has filed a 18 lemon law. We do not have a lawyer yet, but we have 19 filed the papers. Someone at the place where I filed 20 the lemon law papers told me to contact the customer 21 assistance center. Having the lights come on is not 22 major, but having a car stall while driving is pretty 23 major. This car shutting down as my daughter is 24 driving and I want this documented so that GM knows 25 that this is a concern with the Cobalt. This is a</p>



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<p style="text-align: right;">121</p> <p>1 safety issue, and I don't want someone to get killed</p> <p>2 or seriously hurt. Customer seeks let GM know what</p> <p>3 the vehicle is doing -- what this vehicle is doing."</p> <p>4 The CRS, or the GM employee, states:</p> <p>5 "I certainly will document everything down.</p> <p>6 And being you have filed a lemon law, I'm no longer</p> <p>7 able to assist you with this. I do apologize for all</p> <p>8 the trouble you've been having, and this is all</p> <p>9 documented down."</p> <p>10 Did I read that correctly?</p> <p>11 A. Yes.</p> <p>12 Q. Tab 71, please. Tyrice Goodwin, Baltimore, Maryland</p> <p>13 owned a 2005 Cobalt. The claim open date, April 21,</p> <p>14 2007, vehicle mileage, 13,936, and the agent note is</p> <p>15 stalls; correct?</p> <p>16 A. Correct.</p> <p>17 Q. And the body of the document:</p> <p>18 "Customer states customer frustrated.</p> <p>19 Two-year-old vehicle. Dealer could not find anything</p> <p>20 wrong. Every time she hits a bump, the vehicle cuts</p> <p>21 off. Almost caused five accidents. Brought the</p> <p>22 vehicle to the dealership. Dealer would test drive it</p> <p>23 and still could not duplicate it. Last time customer</p> <p>24 took the vehicle to dealer is April 6, 2007. Service</p> <p>25 advisor was Jonathan Luther. Customer is on the road</p>	<p style="text-align: right;">123</p> <p>1 would remove this alarm, we could further diagnose it.</p> <p>2 If it's damage from the alarm installation, I cannot</p> <p>3 cover it under warranty."</p> <p>4 So there is a discussion there, I suppose,</p> <p>5 as a possible cause with an aftermarket alarm system.</p> <p>6 Q. All right. Tab 73, please. Trixy Rivera from</p> <p>7 Palmyra, Pennsylvania owned a 2006 Cobalt. Claim open</p> <p>8 date, May 23, 2007. Vehicle mileage, 13,125. The</p> <p>9 agent notes is stalls; correct?</p> <p>10 A. Correct.</p> <p>11 Q. And then:</p> <p>12 "Customer states the vehicle already died</p> <p>13 down on me twice. One was on the highway and the</p> <p>14 other one was in the road. I almost had an accident</p> <p>15 because of this, and I want to file a lemon law.</p> <p>16 Customer is currently at the dealership right now."</p> <p>17 Did I read that correctly?</p> <p>18 A. Yes.</p> <p>19 Q. Tab 74, please.</p> <p>20 MR. FRANKLIN: If you need to take a break</p> <p>21 at any point, let us know.</p> <p>22 THE WITNESS: It's -- what is it, 1:30? So</p> <p>23 I guess I have a question, if I'm allowed to ask it.</p> <p>24 Am I allowed to ask a question?</p> <p>25 MR. COOPER: We'll go off the record.</p>
<p style="text-align: right;">122</p> <p>1 right now when the concern happened again."</p> <p>2 Did I read that correctly?</p> <p>3 A. Yes.</p> <p>4 Q. Tab 72, please. Aaron Loring from Beaumont, Texas</p> <p>5 owned a 2005 Cobalt. The claim open date, 8-22-2007.</p> <p>6 Vehicle mileage, 26,000; correct?</p> <p>7 A. Yes.</p> <p>8 Q. Body of the document:</p> <p>9 "Customer calling about stalling problem.</p> <p>10 Customer states the vehicle will lose power when</p> <p>11 driving and sometimes it will turn off. Have taken</p> <p>12 the vehicle into the dealer three times. Was advised</p> <p>13 that vehicle is fine and they cannot duplicate the</p> <p>14 problem. Customer is afraid to drive it."</p> <p>15 Did I read that correctly?</p> <p>16 A. Yes.</p> <p>17 Q. Tab 73, please.</p> <p>18 A. On Bates 25479, there is a discussion, about in the</p> <p>19 middle of the page, that says:</p> <p>20 "Dealer states last time we saw it, it was</p> <p>21 on the 17th of this month. It says performed a</p> <p>22 diagnostic test at 29500 found a U code, U2103.</p> <p>23 Checked the bulletins. Called TAC. Advised check</p> <p>24 connections. Recommended customer remove non-factory</p> <p>25 alarm system. It was a communication code. If she</p>	<p style="text-align: right;">124</p> <p>1 VIDEOGRAPHER: We're off the record. 1:34.</p> <p>2 (Lunch recess.)</p> <p>3 VIDEOGRAPHER: We are back on the record at</p> <p>4 2:18. This is disc three of the video deposition of</p> <p>5 30(b)(6) GM corporate representative Victor Hakim.</p> <p>6 Please proceed.</p> <p>7 BY MR. COOPER:</p> <p>8 Q. Turn to tab 74, please. Are you there?</p> <p>9 A. Yes.</p> <p>10 Q. This is A. Stone from Dallas, Georgia, owned an '06</p> <p>11 Cobalt. GM claim date, open date, July 5th, 2007,</p> <p>12 vehicle mileage, 26,000 miles, and again, agent notes</p> <p>13 is stalls; is that correct?</p> <p>14 A. Yes.</p> <p>15 Q. And if you go down to the body of the complaint, which</p> <p>16 we've highlighted, it says:</p> <p>17 "My daughter was driving the vehicle</p> <p>18 Tuesday evening and it started running rough. She</p> <p>19 glanced down and a light came on. She couldn't tell</p> <p>20 if it was a red or amber light. After a couple of</p> <p>21 minutes it started to flash, and then white smoke came</p> <p>22 out from under the hood. She was making a turn into</p> <p>23 her friend's driveway when the engine shut down and</p> <p>24 cut off all power to the vehicle. She had to run the</p> <p>25 vehicle up on an embankment because it was the only</p>



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<p style="text-align: right;">125</p> <p>1 way to get it to stop."</p> <p>2 Did I read that correctly?</p> <p>3 A. Yes.</p> <p>4 Q. Turn to 75, please.</p> <p>5 A. So this one looks like it's got an investigative</p> <p>6 report with it, a PAR report, where they investigated</p> <p>7 the vehicle, starting on Bates 13892, and they were</p> <p>8 trying to determine whether the smoke and the</p> <p>9 condition, whether the crash occurred first or that</p> <p>10 was first. Okay.</p> <p>11 Q. So tab 75, Diana De Jesus from Poughquag, New York,</p> <p>12 2006 Chevrolet Cobalt owner. GM claim open file date,</p> <p>13 July 26th, 2007, vehicle mileage, 31,000 miles, and</p> <p>14 agent notes is stalls; correct?</p> <p>15 A. Yes.</p> <p>16 Q. And if you go to the next page, at the top right where</p> <p>17 it is highlighted, it says:</p> <p>18 "We had an experience where the vehicle</p> <p>19 died on us and we put it in neutral and got start.</p> <p>20 Dealer advised that they took car back in May, dealing</p> <p>21 with Mark, business manager, he vent, and tells us all</p> <p>22 the issues that are going on and the dealer and not</p> <p>23 giving us the proper treatment. The service manager</p> <p>24 spoke to this past Wednesday and scheduled appointment</p> <p>25 for Saturday, and they going to keep me in car and see</p>	<p style="text-align: right;">127</p> <p>1 Q. And then it says:</p> <p>2 "I brought the car in for window whistling.</p> <p>3 I told them about it then. It doesn't happen every</p> <p>4 single day. It's intermittent. I took it over for a</p> <p>5 recall and told them about it again. They told me to</p> <p>6 take some key rings off of the key chain, cut her a</p> <p>7 new key and put in new ignition switch. The vehicle</p> <p>8 has 15,000 miles. I've had it for two years. I feel</p> <p>9 they sold us a lemon. It's to the point I don't want</p> <p>10 the car anymore."</p> <p>11 Did I read that correctly?</p> <p>12 A. Yes.</p> <p>13 Q. Turn to tab 77, please.</p> <p>14 A. Okay. 77?</p> <p>15 Q. Yes, sir. John Ptashnik is the owner, New Baltimore,</p> <p>16 Michigan. '05 Chevy Cobalt. GM claim open date of</p> <p>17 6-5-2007, vehicle mileage, 29,959, and again the agent</p> <p>18 notes vehicle stalls; correct?</p> <p>19 A. Correct.</p> <p>20 Q. And then in the body of the document:</p> <p>21 "Car keeps stalling. Customer states that</p> <p>22 he is very frustrated with this whole situation. My</p> <p>23 vehicle has been causing a lot of trouble, keeps</p> <p>24 stalling out when you go over bumps. And now, when I</p> <p>25 go to visit my daughter, we have to cross railroad</p>
<p style="text-align: right;">126</p> <p>1 what they can do. Problems are just increasing with</p> <p>2 the car. Vehicle is financed. I feel for my safety</p> <p>3 of myself and my family."</p> <p>4 Is that what it says?</p> <p>5 A. Yes.</p> <p>6 Q. Tab 76, please.</p> <p>7 A. Okay.</p> <p>8 Q. Tab 76. Are you there?</p> <p>9 A. Yes.</p> <p>10 Q. The owner is Jimmy Newton of Pinckneyville, Illinois.</p> <p>11 An '05 Cobalt. The claim's open date, August 16th,</p> <p>12 2007, vehicle mileage, 15,000, and the agent notes is</p> <p>13 stalls; correct?</p> <p>14 A. Correct.</p> <p>15 Q. And it says:</p> <p>16 "Customer states I have a 2005 Cobalt.</p> <p>17 I've had it in the shop several times. They can't</p> <p>18 seem to find the problem. The car dies for no reason.</p> <p>19 I am so unhappy with car. I have talked to dealer and</p> <p>20 try to work something out. I don't feel safe in the</p> <p>21 vehicle. The car is at the dealer. I am so unhappy.</p> <p>22 It just stalls. It started about a month after I</p> <p>23 bought it."</p> <p>24 Is that what it says?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">128</p> <p>1 tracks, and it keeps stalling when we go across. I</p> <p>2 feel that it is a safety hazard. Dealer just recently</p> <p>3 replaced the ignition switch, steering shaft, patch up</p> <p>4 electrical tape with silver tape, battery leak out</p> <p>5 erosion materials, hose cracked in vent system."</p> <p>6 Did I read that correctly?</p> <p>7 A. Yes.</p> <p>8 Q. Turn to tab 78, please.</p> <p>9 A. So to Bates 25599, it looks like the service reps</p> <p>10 drove the vehicle over heavy railroad tracks and could</p> <p>11 not duplicate it and dirt roads and could not</p> <p>12 duplicate the condition.</p> <p>13 Q. Tab 78. Nicole Bradley is the owner from Chicago,</p> <p>14 Illinois. It's a 2005 Cobalt. The claim open date,</p> <p>15 9-5-2007. The vehicle mileage, 11,179 miles; correct?</p> <p>16 A. Correct.</p> <p>17 Q. Middle of the paragraph -- excuse me, middle of the</p> <p>18 document here, it says:</p> <p>19 "Customer called in having a problem with</p> <p>20 the vehicle. Customer said that the vehicle has been</p> <p>21 having the same problem for the last two years.</p> <p>22 Customer says -- said that the vehicle always loses</p> <p>23 power. Customer said that, while she is driving, the</p> <p>24 vehicle suddenly jerks and stops. Customer said that</p> <p>25 she already took it to the dealership and all they do</p>



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<p style="text-align: right;">129</p> <p>1 is reprogram the sensors, but it is still not fixing</p> <p>2 the problem."</p> <p>3 Did I read that correctly?</p> <p>4 A. Yes.</p> <p>5 Q. And at the bottom there, it says:</p> <p>6 "Customer states I purchased my vehicle in</p> <p>7 July of 2005. Come November or December, I started</p> <p>8 experiencing issues. The vehicle would shut off in</p> <p>9 the middle of the street while I'm driving. I have</p> <p>10 been back and forth to the dealership for</p> <p>11 approximately -- ten times approximately. Every time</p> <p>12 I go back to the dealership, they reprogram the</p> <p>13 sensors. Before the vehicle would stop, no warning</p> <p>14 lights will come on, except the vehicle will start</p> <p>15 making funny noises. The dealership have test driven</p> <p>16 it but have found nothing, this is because it only</p> <p>17 happens sporadically. I feel unsafe in the vehicle</p> <p>18 and do not want to be in it anymore."</p> <p>19 Did I read that correctly?</p> <p>20 A. Yes.</p> <p>21 Q. Turn to tab 79, please.</p> <p>22 A. Okay. 79.</p> <p>23 Q. The owner is Tracy Ashman from Pottsville,</p> <p>24 Pennsylvania, an '06 Cobalt. The claim open date,</p> <p>25 9-10-2007. 14,000 vehicle miles. The agent notes is</p>	<p style="text-align: right;">131</p> <p>1 MR. COOPER: 952.</p> <p>2 THE WITNESS: I know it as CRM, customer</p> <p>3 relations manager.</p> <p>4 BY MR. COOPER:</p> <p>5 Q. Maybe that's what it is.</p> <p>6 A. I'm not sure what the CRS means.</p> <p>7 Q. Maybe it's just a typo. Anyway:</p> <p>8 "Just wanted to advise you of a vehicle</p> <p>9 being brought into your dealership. Possible PAR</p> <p>10 case. Ongoing issue. Vehicle shuts down completely</p> <p>11 at random, all systems, including electrical.</p> <p>12 Happened today on highway traveling nearly 80 miles</p> <p>13 per hour."</p> <p>14 Is that what it says?</p> <p>15 A. Yes.</p> <p>16 Q. And then at the bottom of the next page, 953:</p> <p>17 "Customer states what now? I don't want</p> <p>18 this vehicle. It almost killed her. It's a total</p> <p>19 lemon. The dealer should never have given it back</p> <p>20 with such a problem if they didn't know how to fix it.</p> <p>21 The semi driver nearly plowed her over."</p> <p>22 Is that what it says?</p> <p>23 A. Yes.</p> <p>24 Q. Turn to tab -- just a moment. 959, the next -- there</p> <p>25 should be a tab there.</p>
<p style="text-align: right;">130</p> <p>1 stalls; correct?</p> <p>2 A. Correct.</p> <p>3 Q. And then the customer statement:</p> <p>4 "We don't want this vehicle anymore. We</p> <p>5 have had this issue since we bought it. The dealer</p> <p>6 hasn't been able to fix it, and now my daughter is</p> <p>7 hurt and she could have been killed. Was driving on</p> <p>8 Highway 80 in Pennsylvania near Lockhaven, driving</p> <p>9 around 80 miles per hour, when the vehicle completely</p> <p>10 shut off in the middle of the highway. No emergency</p> <p>11 lights, no power, no engine, just dead. Thank God she</p> <p>12 wasn't hit by anything, but she could have. They sent</p> <p>13 an ambulance and police, so I don't know what is</p> <p>14 happening yet, but this is unsafe. How do I enact the</p> <p>15 lemon law?"</p> <p>16 Is that what it says?</p> <p>17 A. Yes.</p> <p>18 Q. And if you look at the next page, the bottom of the</p> <p>19 page:</p> <p>20 "Customer states just" -- I guess "wanted</p> <p>21 to advise you of a vehicle being brought to your</p> <p>22 dealership. Possible PAR" -- or yeah, "CRS states."</p> <p>23 Excuse me. What is CRS?</p> <p>24 MR. FRANKLIN: What is the Bates number on</p> <p>25 that page? I'm sorry.</p>	<p style="text-align: right;">132</p> <p>1 A. Sorry.</p> <p>2 Q. It's all right. Right there. Same claim. Owner</p> <p>3 description says:</p> <p>4 "Vehicle lost all power, completely shut</p> <p>5 down, all systems, including electrical, while driving</p> <p>6 nearly 80 miles per hour. Driver injured."</p> <p>7 And it says:</p> <p>8 "More information. Customer has brought to</p> <p>9 dealer many times regarding random shutdown of</p> <p>10 vehicle. Says unable to duplicate. No repair</p> <p>11 completed." Then "University clinic sent customer to</p> <p>12 get checked out at the hospital. Doesn't have further</p> <p>13 information regarding treatment."</p> <p>14 Is that what it says?</p> <p>15 A. That's what it says, yes.</p> <p>16 Q. Tab 80, please.</p> <p>17 A. There is some information on 13955 that -- kind of in</p> <p>18 the middle of the page -- says:</p> <p>19 "Customer states she went to university and</p> <p>20 they said couldn't treat her because not university</p> <p>21 related. Referred her to a hospital, but she didn't</p> <p>22 go because she didn't have a car."</p> <p>23 And then "CRS states has she received any</p> <p>24 treatment or diagnosis?"</p> <p>25 "No."</p>



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<p style="text-align: right;">133</p> <p>1 On the next page, on 13956, it says, about</p> <p>2 in the middle there, "CRS states thank you. You</p> <p>3 mentioned your daughter being injured, but she hasn't</p> <p>4 been treated yet; is that right?"</p> <p>5 "Yes, I think so."</p> <p>6 "In order to proceed further, we'll need</p> <p>7 more specific information. What is the nature of her</p> <p>8 injury?"</p> <p>9 "Don't know exact, but she was hurt because</p> <p>10 she is a small woman and hit the steering wheel when</p> <p>11 the vehicle suddenly stopped because of this problem</p> <p>12 you can't fix."</p> <p>13 So it doesn't look like there is any</p> <p>14 treatment there. Okay.</p> <p>15 Q. Tab 80?</p> <p>16 A. 80.</p> <p>17 Q. Grace Worth, owner from Cape Coral, Florida, 2005</p> <p>18 Cobalt. Open claim date, 9-10-2005, mileage, 36,990</p> <p>19 and the agent notes is stalls; correct?</p> <p>20 A. Correct.</p> <p>21 Q. And the customer states:</p> <p>22 "Is original owner of a 2005 Cobalt</p> <p>23 currently with 36,990 miles. Has been to two</p> <p>24 dealerships. Vehicle shuts off while driving. It</p> <p>25 shut off yesterday in Boone, North Carolina. Has</p>	<p style="text-align: right;">135</p> <p>1 A. Okay.</p> <p>2 Q. Tab 82. Jessica Baker is the owner from Cleveland,</p> <p>3 Ohio. 2006 Chevy Cobalt. Claim open date, 11-8-2007</p> <p>4 mileage, 30,013 miles, and again agent notes is</p> <p>5 stalls.</p> <p>6 Do you see that?</p> <p>7 A. Oh, sorry. Yes.</p> <p>8 Q. And then if you look at the center of the page, it</p> <p>9 says:</p> <p>10 "Vehicle shuts off completely when driving.</p> <p>11 Customer states it shuts off when I'm driving, and I</p> <p>12 have a 14-month-old. It is not safe because another</p> <p>13 car almost ran into me because it just off in the</p> <p>14 middle of the road."</p> <p>15 Is that what it says?</p> <p>16 A. Yes.</p> <p>17 Q. Tab 83, please.</p> <p>18 A. 83?</p> <p>19 Q. Yes. Angel Hoyt is the owner from Graysville, Ohio, a</p> <p>20 2005 Cobalt. Claim open date of 1-30-2008, vehicle</p> <p>21 mileage, 33,000, and the agent notes is stalls;</p> <p>22 correct?</p> <p>23 A. Correct.</p> <p>24 Q. And it says here:</p> <p>25 "Alleged product allegation.</p>
<p style="text-align: right;">134</p> <p>1 stalled about eight times, but has been to dealership</p> <p>2 about three or four times. Is concerned because they</p> <p>3 are in the mountains, and if the vehicle stalls, they</p> <p>4 could have an accident."</p> <p>5 Did I read that correctly?</p> <p>6 A. Yes.</p> <p>7 Q. And then tab 81, please.</p> <p>8 A. Okay.</p> <p>9 Q. Tab 81. Jennifer Barr is the owner from Whitehall,</p> <p>10 Ohio. It's an '06 Cobalt. Claim open date,</p> <p>11 10-29-2007. Vehicle mileage, 30,000. Agent notes,</p> <p>12 stalls; correct?</p> <p>13 A. Correct.</p> <p>14 Q. It says:</p> <p>15 "Vehicle stalls for no reason, customer</p> <p>16 states. Third time to dealer. It just keeps</p> <p>17 stalling. Of the record someone told me it is a</p> <p>18 manufacturer's defect. I'm not putting my child in</p> <p>19 the car anymore."</p> <p>20 Is that what it says?</p> <p>21 A. Yes.</p> <p>22 Q. And then the "concern" down there, question mark, is</p> <p>23 the "engine shuts off." Is that what it says?</p> <p>24 A. Yes.</p> <p>25 Q. Tab 82, please.</p>	<p style="text-align: right;">136</p> <p>1 Injury/collision. Customer states the ignition and</p> <p>2 the shifter and the wheel locks up and car shuts off.</p> <p>3 One week ago I wrecked the vehicle and it is going to</p> <p>4 cost \$5,000, that is how much damage, but I do not</p> <p>5 have a deductible for my insurance. The dealership</p> <p>6 didn't want to touch it until you said we are going to</p> <p>7 do it, and even when I wrecked the car, the airbags</p> <p>8 didn't deploy. Dealer said that it was in cruise</p> <p>9 control and there was a bad sensor which caused</p> <p>10 everything to lock up. My two wrists are bruised and</p> <p>11 I hit my head, but I have been back and forth to the</p> <p>12 hospital, and I have insurance for all of that."</p> <p>13 Did I read that correctly?</p> <p>14 A. Yes.</p> <p>15 Q. If you go to the next page, top left:</p> <p>16 "Customer states I've had it for five</p> <p>17 months and I've had it in the shop three times now re:</p> <p>18 the same problem. Shifter in the ignition keeps</p> <p>19 going -- keeps going bad, steering wheel would lock</p> <p>20 up, and vehicle would shut off."</p> <p>21 Is that what it says?</p> <p>22 A. Yes.</p> <p>23 Q. It says "It happened again a week ago"; right?</p> <p>24 A. In the next line, yes.</p> <p>25 Q. And if you go three more pages to the 965, the owner</p>



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<p style="text-align: right;">137</p> <p>1 description, it says they are:</p> <p>2 "Driving down the road, the car shut off</p> <p>3 and the wheel locked up and I was making a right turn</p> <p>4 and the vehicle threw me into the ditch on the right</p> <p>5 side of the road."</p> <p>6 Is that what it says?</p> <p>7 A. Yes.</p> <p>8 Q. Tab 84, please.</p> <p>9 A. Tab 84?</p> <p>10 Q. Yes, sir. Stephanie McCalabe, an owner from</p> <p>11 Cleveland, Ohio. It's a 2007 Cobalt, and the agent</p> <p>12 notes is stalls; correct?</p> <p>13 A. Yes.</p> <p>14 Q. And the open date for the claim is August -- excuse</p> <p>15 me, March 25th, 2008, and the mileage is 13,563;</p> <p>16 correct?</p> <p>17 A. Yes.</p> <p>18 Q. And it says here:</p> <p>19 "Customer states early Saturday morning she</p> <p>20 was driving up a hill off the freeway to a stoplight</p> <p>21 when her vehicle stalled on her. Fell backwards,</p> <p>22 turned on her towards the left, and was spinning on</p> <p>23 icy, snowy roads. She could not turn her steering</p> <p>24 wheel at all. She ended up hitting a pothole or a</p> <p>25 curb and bent her tire."</p>	<p style="text-align: right;">139</p> <p>1 told customer due to scratch on vehicle made at</p> <p>2 highway, the case should be handled by GM, and until</p> <p>3 this happens, dealership won't able to fix vehicle nor</p> <p>4 promise any type of rental coverage."</p> <p>5 Is that what it says?</p> <p>6 A. Yes.</p> <p>7 Q. Tab 86, please. James Gonzales from River --</p> <p>8 A. Yeah, I'm sorry. I just wanted to clear a few pages.</p> <p>9 Sorry.</p> <p>10 On Bates 13976, at the bottom, there's some</p> <p>11 comments from Mike Laing, the service manager:</p> <p>12 "Dealer states that the customer first</p> <p>13 complained about the problem in April 2008. States</p> <p>14 that on 4-10-2008, they reprogrammed the PCM and the</p> <p>15 fuel injector flush and cleared all codes. On April</p> <p>16 21st is when the customer had the accident."</p> <p>17 Then they said, CRS -- on the next page, on</p> <p>18 Bates 13977:</p> <p>19 "Go ahead and repair the vehicle and make</p> <p>20 sure that it does not have any more problems with the</p> <p>21 engine. Repair all the body damage on the vehicle.</p> <p>22 Advised to also put customer in a rental vehicle."</p> <p>23 All right.</p> <p>24 Q. Tab 86. James Gonzales, the owner from Riverview,</p> <p>25 Florida, 2006 Cobalt. Claim open date of May 9th,</p>
<p style="text-align: right;">138</p> <p>1 Is that what it says?</p> <p>2 A. Yes.</p> <p>3 Q. Tab 85, please. Marilee Dedmon from Winter Park,</p> <p>4 Florida, an owner of an '05 Cobalt. Claim open date,</p> <p>5 April 24th, 2008. Vehicle mileage, 26,660. Agent</p> <p>6 notes, stalls; correct?</p> <p>7 A. Correct.</p> <p>8 Q. And the first paragraph there:</p> <p>9 "Customer states my Cobalt keeps stopping</p> <p>10 in the middle of traffic. About ten days ago it</p> <p>11 stopped on the 408 and the other day on Highway 50."</p> <p>12 Is that what it says?</p> <p>13 A. Yes.</p> <p>14 Q. And if you go two pages back to page number 968, at</p> <p>15 the bottom there. Do you see that? It says:</p> <p>16 "Last Monday, April 21st, her husband</p> <p>17 driving on Highway 50, engine again stopped</p> <p>18 completely. Customer had no choice but to drive away</p> <p>19 from the main lane on the highway and went to the side</p> <p>20 of highway, hitting some orange barricades. Customer</p> <p>21 states some scratches were made on the side of the</p> <p>22 vehicle and on the tire. Customer's husband was able</p> <p>23 to start the engine on vehicle barely and drive back</p> <p>24 home. Customer called dealership, Roger Holler, and</p> <p>25 explained situation. Service manager over the phone</p>	<p style="text-align: right;">140</p> <p>1 2008, mileage, 34,553, and the agent notes stalls?</p> <p>2 A. Correct.</p> <p>3 Q. And the note from the customer here is:</p> <p>4 "I would like Chevy to buy back my Cobalt</p> <p>5 due to continuing excessive -- continuing excessive</p> <p>6 defective major parts. I fear for my family and</p> <p>7 myself safety because the Cobalt has died many times</p> <p>8 while we were driving on a major road interstate. I</p> <p>9 fear the next time will cause a major accident. Every</p> <p>10 month is a new problem."</p> <p>11 Did I read that correctly?</p> <p>12 A. Yes.</p> <p>13 Q. Turn to tab 87, please.</p> <p>14 A. There are just a few additional comments on Bates</p> <p>15 29831, about in the middle. It says:</p> <p>16 "CRS asked if customer has any aftermarket</p> <p>17 items on the vehicle. Customer states aftermarket</p> <p>18 items, GM performance parts Stage 2 performance kit</p> <p>19 installed by Bill Heard. Vehicle not in any accident.</p> <p>20 CRS went over concerns. Problems with the motor.</p> <p>21 Intake manifold. Fan motor has been repaired three</p> <p>22 times. Alternator has been replaced. Not a current</p> <p>23 concern. Clutch has been replaced."</p> <p>24 And then let me get to this other page. On</p> <p>25 Bates 29839, Ann Gonzales -- I believe this is</p>



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<p style="text-align: right;">141</p> <p>1 attributed to her:</p> <p>2 "I did receive the message and thank you</p> <p>3 very much. I really appreciate you guys handling</p> <p>4 everything so quickly and being able to take care of</p> <p>5 everything for us, and I guess we have pretty much</p> <p>6 have gotten everything in the mail. If you need</p> <p>7 anything else, I was going to go ahead and fax it over</p> <p>8 for awhile. The interest statement."</p> <p>9 So it sounds like maybe they are working on</p> <p>10 a repurchase or something like that, so. Okay.</p> <p>11 Q. Tab 87. Andrea Woods, owner from St. Louis, Missouri</p> <p>12 of an '05 Cobalt. Claim open date of 7-18-2008.</p> <p>13 Vehicle mileage, 44,000.</p> <p>14 Do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. And at the body of the paragraph:</p> <p>17 "Customer states that he is calling on</p> <p>18 behalf of his daughter. She has a car with major</p> <p>19 concerns that are life threatening at this point. The</p> <p>20 vehicle just stops in the middle of highway. The</p> <p>21 vehicle is having power steering concerns, fuel</p> <p>22 injector concerns, CD players, and the key won't fit</p> <p>23 the ignition correctly. His daughter is very upset.</p> <p>24 She has been working with someone before and the</p> <p>25 dealer has not -- and not getting anywhere regarding</p>	<p style="text-align: right;">143</p> <p>1 the dealer, they blew me off. If you could, I would</p> <p>2 like to know if my research is likely to be correct or</p> <p>3 if my symptoms are from another issue. This issue is</p> <p>4 dangerous, and I would like to have it fixed. I</p> <p>5 didn't expect this when buying a fairly new car from a</p> <p>6 GM certified location."</p> <p>7 Did I read that correctly?</p> <p>8 A. Yes.</p> <p>9 Q. Tab 89, please.</p> <p>10 A. Okay. Tab 89.</p> <p>11 Q. Thomas Spirling is the owner from Bakersfield,</p> <p>12 California. It's a 2007 Cobalt. Claim open date of</p> <p>13 March 12, 2009.</p> <p>14 Do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. Vehicle mileage, 13,009. And in the history, it says:</p> <p>17 "Alleged product failure. Collision.</p> <p>18 Customer states Jane Spirling calling, who is his</p> <p>19 mother. Son got into an accident this morning and</p> <p>20 found a TSB about this. What happened was that the</p> <p>21 vehicle stalled and customer tried to start the</p> <p>22 vehicle and it did, but it lunged and hit another</p> <p>23 vehicle."</p> <p>24 Did I read that correctly?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">142</p> <p>1 the concerns."</p> <p>2 Is that what it says?</p> <p>3 A. Yes.</p> <p>4 Q. Tab 88, please.</p> <p>5 A. Well, the agent notes on that one states "sticks."</p> <p>6 That's on that same Bates number, 31103.</p> <p>7 Q. All right. Tab 88?</p> <p>8 A. Okay. Tab 88?</p> <p>9 Q. Timothy Forck, an owner from Jefferson City, Missouri.</p> <p>10 An '05 Cobalt. Claim open date of August 25th, 2008,</p> <p>11 mileage 60,000 miles, agent notes is three stalls?</p> <p>12 A. Yes. I'm not sure what the three means, but that's</p> <p>13 what it says.</p> <p>14 Q. I understand. And the next page, if you go to the</p> <p>15 next page where it says "Nature of Concern and</p> <p>16 Message" it says:</p> <p>17 "My '05 Cobalt has had issues since I</p> <p>18 bought it from the dealer four months ago. At times</p> <p>19 when I drive, the traction control light comes on, as</p> <p>20 does the power steering light. The ABS and brake</p> <p>21 light blink on and off. The power steering assist</p> <p>22 shuts down. The car shifts at the wrong times and</p> <p>23 stalls when the brakes are applied. I have researched</p> <p>24 this online and have found that a faulty body control</p> <p>25 module might be the issue, but when I mentioned it to</p>	<p style="text-align: right;">144</p> <p>1 Q. Turn to tab 90, please.</p> <p>2 A. There is a further description on Bates 14021.</p> <p>3 "Customer states that on 3-12-09 her son</p> <p>4 was driving the vehicle. He was about to take off</p> <p>5 from a red light. She states that the vehicle then</p> <p>6 stalled. Customer was putting vehicle in park to turn</p> <p>7 it on again. While doing so, the vehicle launched</p> <p>8 forward and he hit another vehicle. It was a 4x4. No</p> <p>9 injuries involved. There was minor damage to both</p> <p>10 vehicles." Okay.</p> <p>11 Q. Then tab 90. Floyd Yenna, owner of a 2006 Cobalt.</p> <p>12 Claim open date of 4-14-2009, vehicle mileage,</p> <p>13 37,000 miles, agent notes here, it just says "quit";</p> <p>14 right?</p> <p>15 A. Yes.</p> <p>16 Q. And then it says in the history here:</p> <p>17 "Customer can't control vehicle. No steer.</p> <p>18 No brake. Customer states we have a 2006 Cobalt. The</p> <p>19 vehicle encountered an accident. The dealer said</p> <p>20 there was nothing wrong with the car. From there, it</p> <p>21 started quitting. When it was involved with a second</p> <p>22 accident early this year. Car was seriously damaged.</p> <p>23 Vehicle quits and my daughter was driving the car, hit</p> <p>24 another vehicle. No one got injured. We brought it</p> <p>25 to the same dealer, and dealer can't find anything.</p>



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<p style="text-align: right;">145</p> <p>1 It was at the dealer four or five times, twice for the 2 accident. I want the vehicle fixed. The dealer keeps 3 telling me that they fixed it, but it quits. There 4 was a police report in both accidents." 5 Did I read that correctly? 6 A. Yes. 7 Q. And then if you look at the next page, the bottom, 8 where it says "Customer states"? Do you see that? 9 A. Yes. 10 Q. 025? 11 A. Yes. 12 Q. "Customer states daughter was at work beginning of 13 January and the car quit on her. We took the car to 14 Bowman Chevrolet for repair. The vehicle was in there 15 for three weeks and she got the car back. When she 16 got it back, she noticed when driving two days after 17 getting it back that it stalled on her. She called 18 the dealer and they said there was something wrong 19 with the power, so they went and got the car. They 20 called her after a couple of days to pick up the 21 vehicle. When a lady called her, she said there was a 22 code on the computer, but she didn't know what it was. 23 The service tech said he just had to reset it, and she 24 got it back, and the car quit on her three more times, 25 and each time she called the dealer and they would</p>	<p style="text-align: right;">147</p> <p>1 not reviewed any of the claims -- any claims documents 2 relating to the power steering or recall? 3 A. I did not. 4 MR. FRANKLIN: Let me state for the record, 5 as set forth in our notice also, that we objected to 6 producing a witness on those power steering documents, 7 and we set forth the specific Bates ranges because 8 that is not a current allegation in this case. There 9 are no allegations regarding the loss of power 10 steering in the second amended complaint. 11 So those ranges we objected to producing a 12 witness on, and Mr. Hakim is not here to talk about 13 those documents. 14 BY MR. COOPER: 15 Q. Were you involved at all in the power steering recall? 16 A. Was I involved in it? 17 Q. Yes. 18 A. You mean when it was initially developed? 19 Q. Yes. 20 A. A bit, yes. 21 Q. Okay. And the reason there was a recall is because 22 General Motors determined there was a safety-related 23 defect related to the power steering in the '05 24 Cobalt? 25 MR. FRANKLIN: Again, Mr. Hakim is not here</p>
<p style="text-align: right;">146</p> <p>1 tell her that there was nothing wrong with the car. 2 The last time she was driving down the road when it 3 was snowy and the car died on her while she was 4 driving. She couldn't control the vehicle, and she 5 ended up hitting another vehicle. The dealership has 6 been looking at it and they still haven't been able to 7 find anything wrong with the car. All I want is the 8 vehicle to be repaired." 9 Did I read that correctly? 10 A. Yes. 11 (Exhibit No. 4 marked.) 12 BY MR. COOPER: 13 Q. Let me show you what I'll mark as Exhibit 4, which is 14 a claims notebook that we've prepared. 15 MR. COOPER: Harold, you'll have to look on 16 your -- 17 MR. FRANKLIN: You said this is the claims 18 notebook? 19 MR. COOPER: Yeah. It's just a notebook so 20 we can simply go through these documents and see what 21 if anything, he knows about them, and I'll give you 22 the Bates number. 23 BY MR. COOPER: 24 Q. I think when we -- at the beginning of the 25 deposition -- am I correct in understanding you have</p>	<p style="text-align: right;">148</p> <p>1 individually today. He's here as a corporate 2 representative to talk about the topics set forth in 3 the notice, and we said that in our objection, and I 4 want to make that clear. 5 BY MR. COOPER: 6 Q. You can answer. 7 A. General Motors issued a safety recall. Right. Yes. 8 Q. Did they determine there was a safety-related defect 9 in the power steering of the '05 Cobalt? 10 MR. FRANKLIN: Object to form. 11 THE WITNESS: If you read the recall 12 notice, the wording is standard wording from NHTSA 13 saying that there is a defect in the vehicle. 14 BY MR. COOPER: 15 Q. And what would happen is, for whatever reason, the 16 defective condition, people would lose their power 17 steering -- 18 MR. FRANKLIN: Object to form. 19 BY MR. COOPER: 20 Q. -- under certain circumstances? 21 MR. FRANKLIN: Object to form. 22 THE WITNESS: That's correct, that could 23 happen, right. 24 BY MR. COOPER: 25 Q. They would still have the manual steering, but they</p>



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<p style="text-align: right;">149</p> <p>1 would lose the power steering?</p> <p>2 A. That's correct.</p> <p>3 Q. And General Motors decided that, if you lose your</p> <p>4 power steering under certain circumstances, that</p> <p>5 that's a safety hazard; correct?</p> <p>6 MR. FRANKLIN: Object to form.</p> <p>7 THE WITNESS: Well, that recall uses</p> <p>8 standard language from NHTSA, right, and it was issued</p> <p>9 as a safety recall. But you still have steering and</p> <p>10 control of the vehicle.</p> <p>11 BY MR. COOPER:</p> <p>12 Q. And when the engine stalls like in the cases -- the</p> <p>13 dozens of cases we've been -- here today, for whatever</p> <p>14 reason it stalls, when the engine stalls in an '05</p> <p>15 Cobalt, the driver is going to lose their power</p> <p>16 steering, aren't they?</p> <p>17 A. Generally correct, yes.</p> <p>18 Q. And you still may be able to answer some questions, so</p> <p>19 if you could turn to tab 1, please.</p> <p>20 MR. FRANKLIN: I need --</p> <p>21 MR. COOPER: It's Bates numbers 1708</p> <p>22 through 1727.</p> <p>23 MR. FRANKLIN: What is that document?</p> <p>24 MR. COOPER: I don't know. It's a document</p> <p>25 that you all produced. I believe it's power steering</p>	<p style="text-align: right;">151</p> <p>1 it had the vehicles which are within the scope of the</p> <p>2 discovery.</p> <p>3 BY MR. COOPER:</p> <p>4 Q. And what I'm trying to figure out is, what is tab 1?</p> <p>5 Have you seen the documents in tab 1 before today?</p> <p>6 A. It does not look familiar to me.</p> <p>7 MR. FRANKLIN: Let me state for the record</p> <p>8 that that range is not among the ranges set forth in</p> <p>9 plaintiffs' notice.</p> <p>10 MR. COOPER: Well, it's specifically set</p> <p>11 forth in subject matter number 5.</p> <p>12 BY MR. COOPER:</p> <p>13 Q. In reviewing GM's responses, it's our understanding</p> <p>14 these are power-steering-related claims. But if I</p> <p>15 understand what you are saying, sir, you haven't</p> <p>16 reviewed this document before today or these documents</p> <p>17 before today, and you are not prepared to testify</p> <p>18 about them; is that correct?</p> <p>19 A. That's correct.</p> <p>20 MR. FRANKLIN: As I've stated before also,</p> <p>21 we have not produced the witness to talk about power</p> <p>22 steering because that is not a present allegation in</p> <p>23 this case.</p> <p>24 BY MR. COOPER:</p> <p>25 Q. And looking at tab 2, from what we've been able to</p>
<p style="text-align: right;">150</p> <p>1 complaints.</p> <p>2 MR. FRANKLIN: Is it within the range of</p> <p>3 documents in plaintiffs' notice --</p> <p>4 MR. COOPER: Yes.</p> <p>5 MR. FRANKLIN: -- for this witness?</p> <p>6 MR. COOPER: Yes.</p> <p>7 MR. FRANKLIN: So I'm sorry, tell me one</p> <p>8 more time --</p> <p>9 MR. COOPER: 1708 through 1727.</p> <p>10 MR. FRANKLIN: 1708 through 1727.</p> <p>11 BY MR. COOPER:</p> <p>12 Q. Have you seen a document --</p> <p>13 MR. FRANKLIN: Hold on a second.</p> <p>14 BY MR. COOPER:</p> <p>15 Q. Have you seen a document like this before?</p> <p>16 MR. FRANKLIN: Lance, I'm sorry. That</p> <p>17 number, you said 1708. Are you sure, is that it?</p> <p>18 MR. COOPER: Right.</p> <p>19 MR. FRANKLIN: Because that's not in the</p> <p>20 notice that I'm looking at in plaintiffs' notice, that</p> <p>21 range. Did you mean 17908?</p> <p>22 MR. COOPER: What's that? No, there's --</p> <p>23 tab 5 -- I mean, excuse me, subject matter number 5</p> <p>24 states "All incidents where there was allegedly a loss</p> <p>25 of power steering when someone was driving," and then</p>	<p style="text-align: right;">152</p> <p>1 discern, this is a list of claims, and it has Kenneth</p> <p>2 David Melton at the top of it. It's Bates</p> <p>3 number 14832 through 14833.</p> <p>4 Have you seen this document before today?</p> <p>5 A. Well I'm going to say I'm not sure. It's possible,</p> <p>6 but I didn't review it in detail.</p> <p>7 Q. And do you know anything about the claims that are set</p> <p>8 forth in this document? I assume you know something</p> <p>9 about the Melton claim --</p> <p>10 MR. FRANKLIN: Let me look on --</p> <p>11 BY MR. COOPER:</p> <p>12 Q. -- because you've talked about that.</p> <p>13 So I'll ask again. I assume you know</p> <p>14 something about the Melton claim, which is the top</p> <p>15 claim. Do you know anything about the other claims</p> <p>16 which were listed in this GM-produced document?</p> <p>17 A. I'm going to say it's not familiar, the names are not</p> <p>18 familiar.</p> <p>19 Q. And then go to tab 5, please. And I think you</p> <p>20 confirmed this earlier, but this is the warranty</p> <p>21 information that GM has produced relating to the</p> <p>22 technical service bulletin work that was done.</p> <p>23 MR. FRANKLIN: Object to form.</p> <p>24 BY MR. COOPER:</p> <p>25 Q. And it's my understanding you haven't reviewed this</p>



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<p style="text-align: right;">153</p> <p>1 data and you are not prepared to testify about these</p> <p>2 warranty claims; is that correct?</p> <p>3 MR. FRANKLIN: Object to form, and let me</p> <p>4 also state that the warranty data was not among the</p> <p>5 ranges set forth in plaintiffs' notice that plaintiff</p> <p>6 wanted a witness to talk about.</p> <p>7 BY MR. COOPER:</p> <p>8 Q. You can answer the question.</p> <p>9 A. I think my answer is yes to the question, I'm not</p> <p>10 prepared to -- I haven't reviewed this.</p> <p>11 Q. Okay. And then I saw -- if you go to tab 6, these are</p> <p>12 some technical assistance center documents. What is</p> <p>13 the difference between these documents and the</p> <p>14 documents we spent the last couple of hours going</p> <p>15 over, the individual claims documents?</p> <p>16 A. These documents are the dealership technician or</p> <p>17 someone from the dealership calling the General Motors</p> <p>18 service group looking for information on how to handle</p> <p>19 a repair or problem or issue.</p> <p>20 Q. Okay. And these documents are all, I guess, GM</p> <p>21 documents prepared in the ordinary course of GM's</p> <p>22 business?</p> <p>23 A. Yes.</p> <p>24 Q. As well as the documents we've been going over in</p> <p>25 Exhibits 2 and 3?</p>	<p style="text-align: right;">155</p> <p>1 Q. And then page -- excuse me, tab 12. We were trying to</p> <p>2 figure out what these are, and I think I saw something</p> <p>3 that you all produced --</p> <p>4 MR. FRANKLIN: What is the Bates number for</p> <p>5 that?</p> <p>6 MR. COOPER: 37595 through 37610.</p> <p>7 BY MR. COOPER:</p> <p>8 Q. And what are these?</p> <p>9 A. These are -- this is a summary -- it looks like it's</p> <p>10 done in an Excel spreadsheet format -- from General</p> <p>11 Motors' CVEP program, which is company vehicle</p> <p>12 evaluation program.</p> <p>13 Q. Tell me about the CVEP program.</p> <p>14 A. So these would be comments from company vehicle</p> <p>15 drivers.</p> <p>16 Q. I think you brought something like that with you</p> <p>17 today.</p> <p>18 A. The same thing.</p> <p>19 Q. Okay. Why did you bring this with you today?</p> <p>20 A. I thought it was in the Bates range.</p> <p>21 Q. So tell me -- for example, it looks like there's --</p> <p>22 just this first page, two -- or the plant is Spring</p> <p>23 Hill, Tennessee. The platform is A. These are for</p> <p>24 Ions, I believe?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">154</p> <p>1 A. Yes.</p> <p>2 MR. FRANKLIN: And for the record, the</p> <p>3 witness did bring some of those tech documents.</p> <p>4 MR. COOPER: Yeah. We'll attach those to</p> <p>5 the deposition.</p> <p>6 BY MR. COOPER:</p> <p>7 Q. And then going to tab 7, it's another list, it looks</p> <p>8 like, of claims where Kenneth David Melton versus</p> <p>9 General Motors is the top of the list. It's Bates</p> <p>10 numbers 133745 through 133751.</p> <p>11 Have you seen this before today?</p> <p>12 A. I'm not real -- I'm not familiar with this one.</p> <p>13 Q. Okay. Do you know anything about the claims that are</p> <p>14 listed in here?</p> <p>15 MR. FRANKLIN: Let me state for the record,</p> <p>16 Lance, that that range, based on that number that you</p> <p>17 just read out, that is among the power steering</p> <p>18 documents that we objected to in our notice to</p> <p>19 producing the witness to talk about.</p> <p>20 BY MR. COOPER:</p> <p>21 Q. Do you know anything about any of these claims?</p> <p>22 A. I'm going to say -- I mean I'll just look through here</p> <p>23 to see if anything is familiar, but.</p> <p>24 Q. Okay.</p> <p>25 A. I'm going to say no, based on what I see.</p>	<p style="text-align: right;">156</p> <p>1 Q. And then what is the problem that's being reported on</p> <p>2 these? I guess you've got to go back to --</p> <p>3 A. You have to sort of --</p> <p>4 Q. Go back to T.</p> <p>5 A. Sort of line them up, you know.</p> <p>6 Q. Okay. So, for example, Bates number 37599, it looks</p> <p>7 like, at least from what you pulled, there were three</p> <p>8 incidents involving Ions where GM employees</p> <p>9 experienced this problem of their knee or something</p> <p>10 hitting the key and the ignition turning from run to</p> <p>11 accessory or run to off?</p> <p>12 MR. FRANKLIN: Object to form.</p> <p>13 THE WITNESS: Right, two of those</p> <p>14 experienced that problem.</p> <p>15 BY MR. COOPER:</p> <p>16 Q. Actually, I want to make sure -- I think it's all --</p> <p>17 maybe I'm misunderstanding it. Let's kind of walk</p> <p>18 through this. Gerald Young, if you look. He's on</p> <p>19 37597 under M. Right? Gerald Young.</p> <p>20 A. Okay.</p> <p>21 Q. He's vehicle number 2, and his comment is:</p> <p>22 "Ignition switch is too low. The other</p> <p>23 keys and the key fob hit on the driver's right knee.</p> <p>24 The switch should be raised at least one inch toward</p> <p>25 the wiper stock. This is a basic design flaw and</p>



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<p>157</p> <p>1 should be corrected if we want repeat sales."</p> <p>2 Is that correct?</p> <p>3 A. Yes.</p> <p>4 Q. And he is telling GM this as of January 9th of 2004,</p> <p>5 it says "date received"?</p> <p>6 A. I would say yes. What page is that on?</p> <p>7 Q. That's the page just before --</p> <p>8 A. Just before.</p> <p>9 Q. -- the verbatim page.</p> <p>10 MR. FRANKLIN: What is the Bates number?</p> <p>11 MR. COOPER: 37598.</p> <p>12 THE WITNESS: So yes.</p> <p>13 BY MR. COOPER:</p> <p>14 Q. Okay. And then the next GM employee, Onassis</p> <p>15 Matthews, is driving an Ion, and his comment is:</p> <p>16 "The location of the ignition key was in</p> <p>17 the general location where my knee would rest. (I am</p> <p>18 6'3" tall, not many places to put my knee.) On</p> <p>19 several occasions I inadvertently turned the ignition</p> <p>20 key off with my knee while driving down the road. For</p> <p>21 a tall person, the location of the ignition key should</p> <p>22 be moved to a place that will not inadvertently be</p> <p>23 switched to the off position."</p> <p>24 Did I read that correctly?</p> <p>25 A. Yes.</p>	<p>159</p> <p>1 THE WITNESS: I don't believe so. I</p> <p>2 believe these would be those.</p> <p>3 BY MR. COOPER:</p> <p>4 Q. Where would those documents be kept? What department</p> <p>5 would have control over the CVEP documents?</p> <p>6 A. Well, I think CVEP would. But that was searched to</p> <p>7 produce these documents.</p> <p>8 Q. What is CVEP -- what department is CVEP within?</p> <p>9 A. Oh, that I don't know. That I don't know.</p> <p>10 Q. Tab 13, if we can go there.</p> <p>11 MR. FRANKLIN: What's the --</p> <p>12 MR. COOPER: This is Bates number 71720</p> <p>13 through 71729, to start with.</p> <p>14 BY MR. COOPER:</p> <p>15 Q. Do you know what this is?</p> <p>16 MR. FRANKLIN: Let me see that a quick</p> <p>17 second.</p> <p>18 MR. COOPER: Sure.</p> <p>19 MR. FRANKLIN: Let me object to questions</p> <p>20 about the document presented, as it is not among those</p> <p>21 listed in plaintiffs' deposition notice, and to the</p> <p>22 extent -- or any documents relating to the FPE</p> <p>23 investigation, GM has already produced witnesses and a</p> <p>24 witness who led that investigation. And as stated in</p> <p>25 this deposition notice, we object to producing, you</p>
<p>158</p> <p>1 Q. And his -- GM received his comments or -- yeah, his</p> <p>2 comments on February 19th of 2004; correct?</p> <p>3 A. Correct.</p> <p>4 Q. And then the third person who is driving an Ion or</p> <p>5 third GM employee is Raymond Smith. He says:</p> <p>6 "I may have experienced this problem one</p> <p>7 time. I thought that my knee had inadvertently turned</p> <p>8 the key to the off position. The car started --</p> <p>9 immediately and the condition has not happened again."</p> <p>10 And he reported that on April 15th of 2004;</p> <p>11 correct?</p> <p>12 A. Correct.</p> <p>13 Q. And you understand that the ignition switch in the Ion</p> <p>14 and the Cobalt is the same ignition switch?</p> <p>15 MR. FRANKLIN: Object to form.</p> <p>16 THE WITNESS: I believe it is, yes.</p> <p>17 BY MR. COOPER:</p> <p>18 Q. Are you aware that GM did anything in response --</p> <p>19 anything to the Cobalt to redesign the vehicle in</p> <p>20 response to these complaints about the problem with</p> <p>21 the ignition switch in the Ion?</p> <p>22 A. I'm not aware, no.</p> <p>23 Q. Are there any other CVEP documents relating to the Ion</p> <p>24 or the Cobalt?</p> <p>25 MR. FRANKLIN: Object to form.</p>	<p>160</p> <p>1 know, an additional witness to talk about that</p> <p>2 investigation, to the extent that the documents being</p> <p>3 presented are from that investigation.</p> <p>4 BY MR. COOPER:</p> <p>5 Q. Have you seen this before today?</p> <p>6 A. I have not.</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p> <p>25 [REDACTED]</p>



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<p style="text-align: right;">161</p> <p>1 [REDACTED] 2 [REDACTED] 3 Q. All right. So it appears as though there actually are 4 more CVEP complaints than what we talked about in 5 tab 7? 6 MR. FRANKLIN: Object to form. 7 THE WITNESS: Well, I don't know. This is 8 for Cobalt. I think what we looked at here was the 9 lon. 10 BY MR. COOPER: 11 Q. Well, I think I was specific, but let me be more 12 specific. 13 Have the CVEP complaints for all of the 14 vehicles within the scope of discovery been searched 15 in order to identify the claims that should be 16 produced in this case? 17 MR. FRANKLIN: Object form. 18 THE WITNESS: Well, let me just look here. 19 Yeah, I don't see any in this CVEP for Cobalt, in 20 these documents. 21 BY MR. COOPER: 22 Q. And as far as the documents we've just been talking 23 about, and that is Bates number 71720 through 71729, 24 you've never seen these documents before today? 25 A. I'm not familiar with that, no.</p>	<p style="text-align: right;">163</p> <p>1 Q. And again, you don't know what the bold SR numbers 2 mean? 3 A. I do not. 4 Q. Then going past 71729 -- it's in the same tab. 5 A. 71 -- 6 Q. Right here, in the same tab. We -- 7 MR. FRANKLIN: One second. Let me look on. 8 BY MR. COOPER: 9 Q. There has been a GM confidential document produced 10 pursuant to protective order, which I can't figure out 11 what it is, so -- but it appears to be incidents 12 relating to the Cobalt. 13 MR. FRANKLIN: Let me -- 14 BY MR. COOPER: 15 Q. Do you know -- because it says -- it identifies the 16 '05 or the '06 Cobalt in number -- tab number 6 there. 17 MR. FRANKLIN: Let me state for the record 18 that to the extent these documents are from or were 19 created during the FPE investigation, I object on the 20 same grounds that have been asserted previously 21 regarding privileged communications in an ongoing 22 investigation, and would instruct the witness not to 23 answer if those documents are indeed from that 24 investigation. I -- they were not within the range of 25 the notice, and at the moment I don't know where</p>
<p style="text-align: right;">162</p> <p>1 Q. And you are not familiar with any of the claims that 2 are -- or incidents that are discussed or addressed in 3 this document; is that correct? 4 A. Oh, that I don't know. I mean it's possible some of 5 the claims that we went over are in here. So I'm not 6 sure how to answer that question. I mean this looks 7 like a spreadsheet of some sort. 8 Q. Well, I thought you said CVEP was GM employees making 9 a complaint; right? 10 A. Yes. 11 Q. Okay. So the CVEP claims, at least the two here, or 12 reports of incidents, those would not be -- have 13 gone -- you would not have gone over those today in 14 Exhibits 2 and 3; correct? 15 MR. FRANKLIN: Object to form. 16 THE WITNESS: Correct. Sorry, I didn't 17 understand your question properly. 18 BY MR. COOPER: 19 Q. Okay. And you don't know -- other than what's written 20 on Bates number 71721, you don't know anything about 21 these two CVEP incidents? 22 A. No, I do not. 23 Q. And then underneath that, there is TV2K. What is 24 that? 25 A. I'm not familiar with that.</p>	<p style="text-align: right;">164</p> <p>1 those documents -- or who generated those documents 2 So I'm making those objections out of 3 caution in the event that they are or that they were. 4 BY MR. COOPER: 5 Q. Have you seen this document before today? 6 A. No, I'm not familiar with it. 7 Q. Do you know -- can you decipher what it is? 8 A. Other than it looks like a spreadsheet that someone 9 created, no. 10 [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED]</p>



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1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 Q. And then "GM CARS," would that be -- what does that  
10 mean when it says "GM CARS" there?  
11 MR. FRANKLIN: Object to foundation.  
12 THE WITNESS: Yeah, I believe that's like  
13 a -- that's the same as CAC, or customer assistance  
14 center.  
15 BY MR. COOPER:  
16 Q. Okay.  
17 A. I think the name has changed to CARS, customer  
18 assistance relations center or something like that, or  
19 relation services.  
20 Q. So you don't know who would have put this data  
21 together, who would have put this analysis together?  
22 A. I do not.  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]

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1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
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11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 Q. We won't go -- suffice it to say, whatever is in here,  
22 you don't know anything about it?  
23 A. Correct.  
24 Q. All right.  
25 MR. FRANKLIN: That was tab 14 of that

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1 exhibit; right?  
2 MR. COOPER: Tab 14.  
3 BY MR. COOPER:  
4 Q. Tab 15 is the same. It has some different TREAD data  
5 information in here, but it's the same -- I guess your  
6 answer would be the same, you don't know anything  
7 about this?  
8 A. Yes.  
9 MR. FRANKLIN: Object to form.  
10 BY MR. COOPER:  
11 Q. Okay. And then tab 16, do you know what this document  
12 is? It's basically Bates number 132699 through  
13 132706.  
14 A. No, I'm not familiar with this one.  
15 Q. Okay. And then tab 17, are you familiar with this  
16 one?  
17 MR. FRANKLIN: What is the Bates number?  
18 MR. COOPER: 73222 through 73221.  
19 BY MR. COOPER:  
20 Q. Or any of the incidents described in here?  
21 MR. FRANKLIN: The objections I interposed  
22 before apply to all of the documents in this notebook,  
23 to the extent they are from the investigation.  
24 THE WITNESS: I'm not familiar with this  
25 document either.

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1 BY MR. COOPER:  
2 Q. Okay. And then tabs 18, 37915, these are, from what  
3 we understand, at least some of the incidents where GM  
4 Cobalts have been in frontal impacts and the airbags  
5 have not deployed.  
6 Are you familiar with those incidents? Or  
7 let me ask you this: Have you reviewed any of those  
8 incidents in preparing for your deposition here today?  
9 MR. FRANKLIN: And I'm sorry, because I  
10 don't have that notebook, I'm going to ask you to read  
11 me that Bates number again for tab 18.  
12 MR. COOPER: Yeah. You all make them so  
13 small here. 5 -- or 37818 through 37921.  
14 THE WITNESS: Yeah, these documents are not  
15 Bates numbered here.  
16 BY MR. COOPER:  
17 Q. No, you have to go to the one before that.  
18 A. Oh, do you?  
19 Q. Yeah.  
20 A. But I'm not familiar with these, this document.  
21 Q. Tab 19.  
22 A. Oh, tab 19. Sorry.  
23 Q. That's all right. So you are not familiar with --  
24 A. I don't see a 19. Yeah. I have 18.  
25 Q. Okay. Let me see that. We got shortchanged here one



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<p style="text-align: right;">169</p> <p>1 Yeah, it should have been right here, so -- but as</p> <p>2 part of tab 17 in the exhibit, there are, if you look</p> <p>3 here, incidents where GM Cobalts have been involved in</p> <p>4 frontal impact collisions and the airbags have not</p> <p>5 deployed.</p> <p>6 And the question I have for you is: Have</p> <p>7 you -- are you prepared to testify about those</p> <p>8 incidents today?</p> <p>9 A. I am not.</p> <p>10 Q. Do you know anything about those incidents?</p> <p>11 A. I do not.</p> <p>12 Q. Okay.</p> <p>13 MR. COOPER: That's all the questions I</p> <p>14 have. Thank you.</p> <p>15 MR. FRANKLIN: Take a break.</p> <p>16 MR. COOPER: Sure.</p> <p>17 VIDEOGRAPHER: We're off the record. 3:33.</p> <p>18 (A brief recess was taken.)</p> <p>19 VIDEOGRAPHER: Back on the record at 3:56.</p> <p>20 Go ahead.</p> <p>21 EXAMINATION</p> <p>22 BY MR. KALFUS:</p> <p>23 Q. Mr. Hakim, my name is Shawn Kalfus, as you know, and I</p> <p>24 believe you understand that I represent Thornton</p> <p>25 Chevrolet in this case. Is that right?</p>	<p style="text-align: right;">171</p> <p>1 process, and I'm going to tell you I don't know that</p> <p>2 whole detailed process. But I'm sure they'll look at</p> <p>3 the -- you know, they would look at the vehicle</p> <p>4 condition, how many times it's been in for a</p> <p>5 particular repair or repairs, and whether there is a</p> <p>6 repair available or how -- you know, is the car clean,</p> <p>7 how many miles on it, those kind of things. But I</p> <p>8 will tell you I don't know the whole process.</p> <p>9 Q. When you look at a body of claims like we've seen</p> <p>10 today, is it common for you to see different</p> <p>11 approaches taken by different dealerships for similar</p> <p>12 issues?</p> <p>13 A. Boy, again, that's kind of an open-ended question to</p> <p>14 say is it -- do I see differences at times? Sure. I</p> <p>15 mean yeah, because each claim will be its own unique</p> <p>16 kind of event.</p> <p>17 Q. Are there ever circumstances where you see these</p> <p>18 differences and those differences concern you?</p> <p>19 MR. FRANKLIN: Object to form.</p> <p>20 THE WITNESS: I guess I never thought about</p> <p>21 it that way, so I'm going to say no. I --</p> <p>22 BY MR. KALFUS:</p> <p>23 Q. Have there been times when you've seen dealership A</p> <p>24 perform a certain task and dealership B perform a</p> <p>25 different task and thought that they should have done</p>
<p style="text-align: right;">170</p> <p>1 A. Yes.</p> <p>2 Q. Okay. Thanks for taking the time to talk to us today.</p> <p>3 It's nice to meet you.</p> <p>4 With respect to the claims that you and</p> <p>5 Mr. Cooper have discussed today -- I believe there</p> <p>6 were approximately 90 of them -- there seemed to be</p> <p>7 some inconsistency with the way the dealerships chose</p> <p>8 to deal with each claim. Is that fair?</p> <p>9 MR. FRANKLIN: Object to form.</p> <p>10 THE WITNESS: I mean if you are asking me</p> <p>11 if they all were the same, I would say no, they</p> <p>12 weren't all the same.</p> <p>13 BY MR. KALFUS:</p> <p>14 Q. All right. How do you explain the differences, if you</p> <p>15 can?</p> <p>16 A. Well, I guess I don't -- I really can't. I don't know</p> <p>17 that I can go back and explain, without looking at</p> <p>18 each individual claim and then the details again and</p> <p>19 trying to make some assessment on why a particular</p> <p>20 dealer did one thing versus another one.</p> <p>21 Q. What goes into the decision to repurchase a vehicle</p> <p>22 based on customer complaints?</p> <p>23 A. What goes into the decision? There's a whole process</p> <p>24 that's run through what's called the BRC, which is</p> <p>25 business resource center, and there is a whole</p>	<p style="text-align: right;">172</p> <p>1 the same thing?</p> <p>2 A. Well, again, I can't think of anything directly that I</p> <p>3 could answer that affirmatively with.</p> <p>4 Q. When you looked through these 90 cases today with</p> <p>5 respect to the low-torque admission switch issue, did</p> <p>6 you see any circumstances where dealerships varied in</p> <p>7 their approaches and that concerned you?</p> <p>8 MR. FRANKLIN: Object to form.</p> <p>9 THE WITNESS: And that it concerned me? I</p> <p>10 don't think so. I mean there were differences, but</p> <p>11 I --</p> <p>12 BY MR. KALFUS:</p> <p>13 Q. Were there times when you thought that a dealership</p> <p>14 should have done something differently?</p> <p>15 A. There is no way I could make that assessment, just</p> <p>16 reviewing those documents.</p> <p>17 Q. Who -- is that something that you would do if you had</p> <p>18 more information, or is there somebody else that would</p> <p>19 make that assessment?</p> <p>20 A. Well, I would think somebody that would have been at</p> <p>21 the dealership at the time would have been better to</p> <p>22 make an assessment like that.</p> <p>23 Q. I guess what I'm asking, is there anybody at the GM</p> <p>24 level that looks -- that overlooks the dealerships and</p> <p>25 determines whether they are doing proper -- or taking</p>



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173	<p>1 the proper course of action with issues like this?</p> <p>2 A. Well, I think that the representatives, like the area</p> <p>3 vehicle manager or the CRM, would have interaction --</p> <p>4 probably more the AVM -- have interaction with the</p> <p>5 dealer, looking at what they are doing.</p> <p>6 Q. And those are GM employees; right?</p> <p>7 A. Yes.</p> <p>8 Q. And who at GM corporate would be above those folks?</p> <p>9 A. Well, again, that's a global question. But that would</p> <p>10 be part of the -- sort of the dealership network or</p> <p>11 what's called -- I think it's VSSM or vehicle sales</p> <p>12 and services. I'm not sure what the -- I forget what</p> <p>13 the M stands for, but that group. Marketing, I think,</p> <p>14 is what the M stands for.</p> <p>15 Q. All right. And that's based here Detroit in the</p> <p>16 headquarters?</p> <p>17 A. I can't tell you -- I'm sure there are some folks here</p> <p>18 in the Detroit area, but there are probably folks all</p> <p>19 over the world.</p> <p>20 Q. Does GM do anything to ensure or to encourage</p> <p>21 dealerships to handle similar circumstances similarly?</p> <p>22 MR. FRANKLIN: Object to form.</p> <p>23 THE WITNESS: Well, so I -- the only way I</p> <p>24 could answer that is, when we produce a service</p> <p>25 bulletin, for instance, that provides some direction</p>	175	<p>1 A. No, I didn't review that.</p> <p>2 Q. Do you intend to look into that and offer any opinions</p> <p>3 down the road?</p> <p>4 A. I'm going to say that I don't at the moment.</p> <p>5 MR. KALFUS: Those are all the questions I</p> <p>6 have for you. Thank you, sir.</p> <p>7 MR. FRANKLIN: Exhibits --</p> <p>8 MR. SISCO: While you are doing that, this</p> <p>9 is Ken Sisco. I've been sitting by the phone all day.</p> <p>10 MR. FRANKLIN: Yes. Ken, do you have any</p> <p>11 questions?</p> <p>12 MR. SISCO: No, I don't have any questions.</p> <p>13 That's why I took myself off mute and just put that on</p> <p>14 the record for you before you redirect your client.</p> <p>15 MR. FRANKLIN: Okay. Thank you.</p> <p>16 (Discussion held off the record.)</p> <p>17 (Exhibit A marked.)</p> <p>18 MR. FRANKLIN: Mr. Hakim, I know that it's</p> <p>19 been a long day. I've got a couple of areas that I</p> <p>20 would like to go over with you, and before I get</p> <p>21 started, I do want to make -- enter as part of the</p> <p>22 record the objections, General Motors' amended</p> <p>23 objections to plaintiffs' amended notice of taking</p> <p>24 30(b)(6) deposition. I previously talked about this</p> <p>25 objection. I just want to make it a part of the</p>
174	<p>1 on handling a particular issue or concern. And then</p> <p>2 we have TAC, of course, which is the technical</p> <p>3 assistance center, so that a dealership can call for</p> <p>4 assistance.</p> <p>5 BY MR. KALFUS:</p> <p>6 Q. So the TSBs and the phone numbers are there to</p> <p>7 encourage dealerships to handle situations</p> <p>8 consistently; would that be true?</p> <p>9 A. Well, I think that's one of the results. I think they</p> <p>10 are there to help, in essence. You know, if there is</p> <p>11 a particular problem, a TSB is issued to help a dealer</p> <p>12 diagnose a problem, right, so that they know where to</p> <p>13 look and they can resolve the issue quicker.</p> <p>14 Q. Are there any other methods that GM corporate would</p> <p>15 use to communicate with their dealerships to make sure</p> <p>16 that they are all on the same page?</p> <p>17 A. I'm not familiar. There could be, certainly, with</p> <p>18 that group, but I can't tell you any other, beyond</p> <p>19 what I know, yeah.</p> <p>20 Q. Do you have any criticisms about the way Thornton</p> <p>21 Chevrolet handled Brooke Melton's service and repair?</p> <p>22 A. I'll tell you, I'm not familiar with how they handled</p> <p>23 it, so I don't have any criticisms.</p> <p>24 Q. All right. You don't -- are you familiar with</p> <p>25 anything that Thornton Chevrolet did in this case?</p>	176	<p>1 record, so I'll enter that.</p> <p>2 EXAMINATION</p> <p>3 BY MR. FRANKLIN:</p> <p>4 Q. Mr. Hakim, you have been asked today during the course</p> <p>5 of this deposition questions about numerous claims of</p> <p>6 incidents that have occurred in the field where there</p> <p>7 have been reports written by folks at GM, both CAC</p> <p>8 data and also TAC files and other files.</p> <p>9 Did you have an opportunity to review much</p> <p>10 of the production from this case? Are you aware that</p> <p>11 GM has produced, obviously, all of the documents that</p> <p>12 you have been presented with today, in addition to</p> <p>13 many others?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And in terms of your area of testimony today,</p> <p>16 have you seen this amended -- these amended objections</p> <p>17 to plaintiffs' deposition notice before today?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And in terms of the area -- the areas of</p> <p>20 testimony, does this accurately reflect the areas that</p> <p>21 you have testified about today and that you were</p> <p>22 prepared to testify about today?</p> <p>23 A. Yes.</p> <p>24 Q. So is it fair to say that the claims that you brought</p> <p>25 with you today come from -- they are taken from the</p>



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<p style="text-align: right;">177</p> <p>1 set of Bates ranges that were identified in this</p> <p>2 deposition notice?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And I won't ask you to do the math, but I'll</p> <p>5 represent to you, just by looking at the Bates</p> <p>6 numbers, that if you were to even do, you know, very</p> <p>7 basic calculations, that they -- it's over 32,000</p> <p>8 pages that comprise the production of other claims,</p> <p>9 incidents, et cetera.</p> <p>10 Is that consisted with your understanding,</p> <p>11 based on what you've seen and kind of what you have</p> <p>12 reviewed as well?</p> <p>13 A. Makes sense.</p> <p>14 Q. In just about all, if not all of the claims that you</p> <p>15 were asked about today, they involve incidents of</p> <p>16 vehicles stalling; correct?</p> <p>17 A. Correct.</p> <p>18 Q. Okay. Tell us in terms of how -- in terms of a</p> <p>19 vehicle stalling, what are the reasons that a vehicle</p> <p>20 can stall? Are there many reasons?</p> <p>21 A. Oh, you mean, in general, how could a vehicle stall?</p> <p>22 Q. That's right.</p> <p>23 A. It could run out of gas, cause stalling. There could</p> <p>24 be just some grounding problem or electrical problem</p> <p>25 that could cause the vehicle to stall. You could have</p>	<p style="text-align: right;">179</p> <p>1 A. Is there any indication?</p> <p>2 Q. Right. Is there anything in any of those documents</p> <p>3 that states that the key went from the run to</p> <p>4 accessory position? In the documents that you have</p> <p>5 brought with you today and the ones that you were</p> <p>6 presented with, do you -- were there any that you saw</p> <p>7 that specifically said that, that the key went from</p> <p>8 the run to accessory position?</p> <p>9 A. Well, there were some where the customer said that</p> <p>10 they -- you know, that they -- that the vehicle</p> <p>11 stalled.</p> <p>12 Q. Right.</p> <p>13 A. And then in some cases, when the evaluations were</p> <p>14 done, in essence, there were -- most of them were</p> <p>15 "could not duplicate the problem," but some referenced</p> <p>16 the key as a possible method or a possible way.</p> <p>17 Q. So in some of those, as I recall, and you'll recall</p> <p>18 from earlier, there were some in which it was stated</p> <p>19 that someone's knee interacted with the key, the</p> <p>20 ignition area where the key is inserted; correct?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. But in many others -- in fact, in most of</p> <p>23 them -- there was no indication that that is what had</p> <p>24 happened; correct?</p> <p>25 A. Well, that's correct, yes.</p>
<p style="text-align: right;">178</p> <p>1 a problem with the throttle, throttle body, could</p> <p>2 cause a vehicle to stall. Problem with the generator</p> <p>3 or alternator could cause a vehicle to stall. Battery</p> <p>4 problem, in conjunction with a generator problem,</p> <p>5 could cause a vehicle to stall. Just a stick shift</p> <p>6 vehicle, just driver error operating the vehicle, you</p> <p>7 know, putting the clutch out too quickly, could cause</p> <p>8 a vehicle to stall. I mean those are a few things</p> <p>9 that come to mind.</p> <p>10 Q. Okay. Are you aware that in this case the allegation</p> <p>11 is that the vehicle's key rotated from the run</p> <p>12 position to the accessory position? Is that your</p> <p>13 understanding about the allegations in this case?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. Is that something that could cause a vehicle to</p> <p>16 stall?</p> <p>17 A. Yes.</p> <p>18 Q. But again, it is one of the many potential causes of</p> <p>19 the vehicle stalling; correct?</p> <p>20 A. Yes.</p> <p>21 Q. And in the claims that you were presented today, that</p> <p>22 you were able to review today during your deposition,</p> <p>23 was there an indication in any of them that the</p> <p>24 vehicle stalled because the key rotated from the run</p> <p>25 to accessory position?</p>	<p style="text-align: right;">180</p> <p>1 Q. Okay. Some of them -- one of them talked about smoke</p> <p>2 coming from under the hood; correct?</p> <p>3 A. Yes.</p> <p>4 Q. And others talked about the vehicle shaking or the key</p> <p>5 being stuck in the ignition. Do you recall --</p> <p>6 A. I do.</p> <p>7 Q. -- seeing all types of scenarios?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. So you would agree that there is not, within</p> <p>10 those documents, evidence as to one particular cause</p> <p>11 for the stalling event; that there are many different</p> <p>12 scenarios that could have caused any of those events?</p> <p>13 A. True.</p> <p>14 Q. The stalling events. Is vehicle stalling anything</p> <p>15 that is unique to a particular make and model vehicle?</p> <p>16 A. Geez, I guess that's kind of a global question. I</p> <p>17 suppose it's possible for any vehicle to stall.</p> <p>18 Q. In terms of the frequency of a stalling event for one</p> <p>19 particular vehicle -- type of vehicle versus another,</p> <p>20 or for one manufacturer versus another, do you have</p> <p>21 any knowledge as to whether or not the Chevy Cobalt</p> <p>22 stalled more or less than a vehicle manufactured by</p> <p>23 another company or another vehicle within GM's</p> <p>24 inventory? Do you have any sense as to whether there</p> <p>25 was more stalling with the Cobalt than other vehicles,</p>



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<p style="text-align: right;">181</p> <p>1 by other manufacturers or by GM?</p> <p>2 A. I don't.</p> <p>3 Q. Are you generally familiar with the Melton accident in</p> <p>4 terms -- have you seen the police report from the</p> <p>5 Melton accident before?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Are you generally familiar with this crash in</p> <p>8 terms of, you know, whether the vehicle was on a</p> <p>9 roadway and whether it interacted with another</p> <p>10 vehicle, speeds and that kind of thing? Are you</p> <p>11 generally familiar with that?</p> <p>12 A. Yes.</p> <p>13 Q. What is your general understanding about this crash?</p> <p>14 A. That a crash occurred, I believe, in the Atlanta area</p> <p>15 on a highway. I think it was a two -- I guess I don't</p> <p>16 remember if it was a two-lane highway. But I remember</p> <p>17 that it was raining. I remember the police report</p> <p>18 said raining or wet conditions and that -- that the</p> <p>19 Melton vehicle crossed over the -- from their lane of</p> <p>20 travel -- and I don't recall north or south, but</p> <p>21 crossed over from their lane of travel. And I believe</p> <p>22 the police report thought the vehicle was traveling</p> <p>23 too fast for the conditions, were the general comments</p> <p>24 in the police report; may have hit -- hydroplaned or</p> <p>25 hit some water, crossed over, and then was struck by</p>	<p style="text-align: right;">183</p> <p>1 these 32,000 -- approximately 32,000 pages of</p> <p>2 documents -- or pages, rather, were produced in this</p> <p>3 case.</p> <p>4 You mentioned that you are generally</p> <p>5 familiar with the searches that were done, and I</p> <p>6 believe you stated you believed that those searches</p> <p>7 were reasonable.</p> <p>8 A. Yes.</p> <p>9 Q. Were they broad?</p> <p>10 A. Yes.</p> <p>11 Q. How?</p> <p>12 A. How? Well, I thought I -- well, earlier I think the</p> <p>13 question was asked, but there were broad search terms</p> <p>14 used. So the scope or the scope of the matter that</p> <p>15 was already predetermined was used as the scope, and</p> <p>16 then very broad search terms were used, which included</p> <p>17 stall, engine, I think electrical, ignition, all those</p> <p>18 terms that would try and bring up as many documents as</p> <p>19 possible.</p> <p>20 Q. And those searches were done in -- I take it were they</p> <p>21 done in databases where GM would ordinarily keep</p> <p>22 documents relating to customer complaints or</p> <p>23 complaints or inquiries coming in from dealerships?</p> <p>24 A. Yes.</p> <p>25 Q. Okay.</p>
<p style="text-align: right;">182</p> <p>1 the other vehicle on the passenger side.</p> <p>2 MR. COOPER: Object to the responsiveness.</p> <p>3 BY MR. FRANKLIN:</p> <p>4 Q. With the claims and incidents that you have reviewed</p> <p>5 and that you've been asked about today, do you -- did</p> <p>6 you see any of them that involved an allegation that</p> <p>7 the key rotated from run to accessory that caused the</p> <p>8 loss of control of a vehicle resulting in a crash?</p> <p>9 A. No.</p> <p>10 Q. I'm going to ask you to look at -- we're going to go</p> <p>11 through some of the claims from Exhibit 2 and</p> <p>12 Exhibit 3, those two notebooks.</p> <p>13 A. Does this go back somewhere?</p> <p>14 Q. Yeah, you can just leave it right there. Thank you.</p> <p>15 Do you recall in these claims that you saw</p> <p>16 that talked about customers going to dealerships and</p> <p>17 bringing forward their concerns that the dealerships</p> <p>18 tried repeatedly to duplicate the concerns or the</p> <p>19 conditions that the customers were complaining about?</p> <p>20 A. Yes, I believe in a lot of the -- actually, probably</p> <p>21 the majority, but I can't say that, there were a lot</p> <p>22 of attempts by the dealers to duplicate the concern.</p> <p>23 Q. You were asked earlier about -- and I want to have you</p> <p>24 just kind of walk us through generally about your</p> <p>25 understanding about GM's efforts to -- in terms of how</p>	<p style="text-align: right;">184</p> <p>1 A. You said in from dealerships. You know, from</p> <p>2 dealerships, but also from customers, right, so.</p> <p>3 Q. Correct. Okay. Let me ask you -- I'm going to ask</p> <p>4 you to turn to tab 9 in Exhibit 2. This is the Ray</p> <p>5 Arjona case.</p> <p>6 MR. KALFUS: Bates number, please?</p> <p>7 MR. FRANKLIN: Bates number 18254.</p> <p>8 BY MR. FRANKLIN:</p> <p>9 Q. You were asked earlier about, you know, the fact</p> <p>10 that -- in terms of your review of these claims and</p> <p>11 incidents, and the fact that you brought some</p> <p>12 documents with you today, you were asked specifically</p> <p>13 about this one at that Bates number that I just read,</p> <p>14 and I believe you testified that this one, I believe,</p> <p>15 did not involve the loss of control. Is that correct?</p> <p>16 Is that your understanding? Take your time and look</p> <p>17 at it.</p> <p>18 A. Right, I don't see anything in here about loss of</p> <p>19 control.</p> <p>20 Q. Okay. Let me ask you to go to tab number 12. This</p> <p>21 involved a 2005 Chevy Cobalt. It's the Elsie Garrison</p> <p>22 claim, tab number 12 from Exhibit 2. And you were</p> <p>23 asked -- or you were read portions of this document,</p> <p>24 and I want to ask you to look at page 18294.</p> <p>25 A. Okay.</p>



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<p style="text-align: right;">185</p> <p>1 Q. And this appears to be the last entry from this claim, 2 so we have a history here of when the complaint or 3 when the incident was first brought to the attention 4 of someone at GM, and it walks you through the 5 communications, and I'd like -- you were asked about 6 some of the earlier communications about the vehicle 7 stalling. 8 I'd like you to read from page 18294, the 9 last entry that's in all caps there, and it appears to 10 be dated August 11, 2005. It says: 11 "Not available. Attempted to contact the 12 customer, but was advised by the mother that she is 13 not available." 14 Do you see where it says there that the CRM 15 advised of the reason for the call, and the mother 16 responded that "Things are going very well with the 17 vehicle and there are no concerns at this time"? 18 A. Yes, I see that. 19 Q. Okay. Based on that, is it your view that the 20 person's complaints or concerns were resolved? 21 A. It sounds that way, yes. 22 Q. Please go to tab number 17. This is Bates 23 number 18338, and this is the Nathan Hill incident. 24 Let me know when you are there. 25 A. Yes, I'm there.</p>	<p style="text-align: right;">187</p> <p>1 very hot because that is the only time when the 2 vehicle will die out." 3 Do you see that? 4 A. Yes. 5 Q. Does that appear to be consistent with the other -- 6 the complaints or incidents about a vehicle stalling 7 while someone is driving? 8 A. Are you saying could that cause a vehicle to stall, in 9 essence, a problem -- 10 Q. Yes -- 11 A. -- with temperature and maybe -- 12 Q. -- excessive heat, right. 13 A. Could be, yes. 14 Q. Is that an issue that would be consistent with 15 anything about the ignition switch and, you know, 16 rotation of the ignition switch in terms of heat, or 17 is that a separate -- 18 A. That's a separate issue, of course. Yeah, this would 19 probably be more related to fuel or fuel lines. 20 Q. Do you see here on page 18340, towards the middle of 21 the page, "Dealer states that the EBTCM" -- it goes 22 on, but let's look at the second sentence. 23 "Dealer states that the cruise control is 24 also not working, and this may be connected to the 25 EBTCM and a no start."</p>
<p style="text-align: right;">186</p> <p>1 Q. Okay. You were asked questions and read portions of 2 this report as well. I'd like to ask you -- at least 3 it appears that this -- the vehicle -- that there were 4 a lot of issues regarding -- or a lot of complaints 5 about this vehicle from the customer, and you were 6 asked about the stalling. 7 But I want to ask you whether or not, 8 looking at that work history number right in the 9 middle of page 18338, do you see where it says: 10 "The lights came on in the dash. The 11 vehicle shakes at times. Can't drive over 30 miles 12 per hour. The air conditioning blows warm. A new 13 computer chip was installed." 14 Do you see that? 15 A. Yes. 16 Q. The next page, 18339, the first full paragraph, 17 "Dealer states gets hot outside, vehicle will not 18 start." 19 Do you see that? 20 A. Yes. 21 Q. And further down, there is a paragraph that says 22 "Dealer states that he really doesn't have any more 23 info to provide." 24 There's another sentence there, "Dealer 25 states that he can only work on the vehicle when it is</p>	<p style="text-align: right;">188</p> <p>1 Do you know what the EBTCM is? 2 A. I'm sorry, you'll have to get me to your spot there. 3 Q. I'm sorry. Page 18340. 4 A. I have that. 5 Q. And if you go down to the paragraph beginning with D- 6 r-s-t-s. 7 A. Oh, okay. 8 Q. Do you see that? 9 A. Yes. 10 Q. The second sentence, "Dealer states that the cruise 11 control is also not working, and this may be connected 12 to the EBTCM and no start." 13 Do you see that? 14 A. Yes. 15 Q. Okay. What does that mean, if you know? 16 A. Well, I think that that -- there's a typo in there. 17 It's probably EBCM. 18 Q. Okay. 19 A. It probably doesn't need the T, and that would be the 20 electronic brake control module. 21 Q. Okay. Let me ask you to go to tab 18, Bates number 22 18454. 23 A. Okay. 24 Q. This is for an '05 Cobalt. Let me ask you to go to 25 page 18456. You were read certain portions of this</p>



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<p style="text-align: right;">189</p> <p>1 incident, and I'm going to ask you to go to the --</p> <p>2 near the bottom of page 18456 where it says "Dealer</p> <p>3 states believes customer" --</p> <p>4 Do you see that?</p> <p>5 A. Yes, I see that.</p> <p>6 Q. "Dealer states believes customer is being coached on</p> <p>7 how to get vehicle repurchased because he instructed</p> <p>8 the customer to call the dealer and have vehicle towed</p> <p>9 if concern came up again, but customer did not call or</p> <p>10 have vehicle towed, and there was another time that</p> <p>11 the customer called when the concern came up and the</p> <p>12 dealer told customer to have the vehicle towed in</p> <p>13 right away, but the customer did not have the vehicle</p> <p>14 towed and just drove it to the dealer."</p> <p>15 Do you see that?</p> <p>16 A. I do.</p> <p>17 Q. Okay. Is it your opinion, based on tab number 18,</p> <p>18 that the dealer was attempting to do all they could to</p> <p>19 assist the customer to find out what was wrong?</p> <p>20 A. Well, it appears that way, that they were trying to</p> <p>21 get the vehicle in, and I think the last sentence</p> <p>22 there says "Customer does not need appointment, just</p> <p>23 bring vehicle in," and they were trying to duplicate</p> <p>24 the issue.</p> <p>25 Q. And were they able to?</p>	<p style="text-align: right;">191</p> <p>1 Q. Please turn to tab 23. Let me know when you are</p> <p>2 there.</p> <p>3 A. I'm there.</p> <p>4 Q. Okay. You were asked about this incident, and you</p> <p>5 were read certain portions of this report. I want to</p> <p>6 direct your attention to 18639.</p> <p>7 A. Okay.</p> <p>8 Q. Looking kind of halfway, the halfway mark on the page,</p> <p>9 you'll see a notation about:</p> <p>10 "The car broke down. Customer states</p> <p>11 idling was rough and around 2 to 3 and a bit over.</p> <p>12 Went down to 1,000. Just broke down in his driveway</p> <p>13 and had reduced engine light come on. When he turned</p> <p>14 the key and it would not start and the car started to</p> <p>15 click."</p> <p>16 Do you see that?</p> <p>17 A. Yes.</p> <p>18 Q. In looking further down, do you see that the dealer</p> <p>19 states "Bad cell in the battery and was replaced and</p> <p>20 everything was fine and took for test drive and car</p> <p>21 running fine"?</p> <p>22 Do you see that?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. Is it your understanding from this, now that</p> <p>25 I've read other portions of this report, that the</p>
<p style="text-align: right;">190</p> <p>1 A. Well, I don't know. I'll have to read the rest of</p> <p>2 this.</p> <p>3 Q. Okay. And you know what, the document says what it</p> <p>4 does, so don't worry about that.</p> <p>5 Let me direct your attention to page 18459,</p> <p>6 and it's above the top third of the page, "Dir advised</p> <p>7 vehicle has aftermarket remote start and alarm."</p> <p>8 Do you see that?</p> <p>9 A. I see that.</p> <p>10 Q. "The module for the remote start and alarm did not</p> <p>11 adapt to the new cylinder, so the vehicle is now at</p> <p>12 the alarm company now for service. Diagnosis is that</p> <p>13 the aftermarket module caused the issue. Is going to</p> <p>14 wait for the vehicle to get back from the alarm</p> <p>15 company. Then dealer is going to inspect to make sure</p> <p>16 it's working properly."</p> <p>17 Based on this, is it your understanding</p> <p>18 that the dealer found that the alarm -- this</p> <p>19 aftermarket alarm could have had an effect or could</p> <p>20 have been causing the problem here?</p> <p>21 MR. COOPER: Object to the form.</p> <p>22 THE WITNESS: Well, it sounds that way, or</p> <p>23 it sounds like they think it affects the ignition in</p> <p>24 some way.</p> <p>25 BY MR. FRANKLIN:</p>	<p style="text-align: right;">192</p> <p>1 vehicle problems were a result of a bad cell in the</p> <p>2 battery?</p> <p>3 MR. COOPER: Object to the form.</p> <p>4 THE WITNESS: That's what it looks like,</p> <p>5 yes.</p> <p>6 BY MR. FRANKLIN:</p> <p>7 Q. Looking at tab 24. So let me direct your attention to</p> <p>8 page 18741, and I'm sorry, this involves an '05</p> <p>9 Cobalt. This is the Arthur Ledoux incident. And I</p> <p>10 want to direct your attention to page 18741, looking</p> <p>11 at "Customer Primary Symptoms or Concerns."</p> <p>12 Do you see there on August 5th, 2005,</p> <p>13 "Could not duplicate stall concern, road tested,</p> <p>14 working as designed"?</p> <p>15 Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. And then following that, do you see that "Replaced</p> <p>18 ignition switch housing"? Do you see that entry on</p> <p>19 August 12th, 2005?</p> <p>20 A. Yes.</p> <p>21 Q. And then after that on September 15th:</p> <p>22 "Customer states vehicle shuts off when</p> <p>23 driving. No codes. All systems operating as normal.</p> <p>24 All operating according to GM specs."</p> <p>25 Do you see that?</p>



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<p style="text-align: right;">193</p> <p>1 A. Yes.</p> <p>2 Q. And on January 31st, 2006, "Installed key support</p> <p>3 cover."</p> <p>4 Is it your understanding -- what is your</p> <p>5 understanding about what that means, the key support</p> <p>6 cover?</p> <p>7 A. I believe that that's a plastic insert that changes</p> <p>8 the key from a slot to a hole.</p> <p>9 Q. Do you see, following that key insert work being done</p> <p>10 on January 31st, 2006, that there were no more -- on</p> <p>11 this case assessment form, there are no more</p> <p>12 references to -- there are other issues with the</p> <p>13 vehicle in terms of the heating and air and a</p> <p>14 headlight issue, but there are no more complaints or</p> <p>15 incidents of stalling?</p> <p>16 A. Okay. So you are saying after -- after the 1-31 date?</p> <p>17 Q. Yes.</p> <p>18 A. 1-31-06?</p> <p>19 Q. Yes, looking along the history in terms of concerns.</p> <p>20 A. Well, I agree there's no other stalling or that kind</p> <p>21 of issue, if that's what your question is, after that.</p> <p>22 Q. Okay. Tab number 34 is the Anatoleu Bekrev incident</p> <p>23 involving a 2005 Cobalt.</p> <p>24 Do you see that?</p> <p>25 A. Well, I'll get there in a second.</p>	<p style="text-align: right;">195</p> <p>1 A. Okay. Yes.</p> <p>2 Q. There is a discussion about a buyback, and it says:</p> <p>3 "It has been determined that the vehicle</p> <p>4 has been ran at low fuel levels. This could be a</p> <p>5 cause for concern for the engine stalling. Sufficient</p> <p>6 gas pressure is necessary to push gas into the engine.</p> <p>7 Low gas levels will not cause ample pressure to push</p> <p>8 gas down the lines."</p> <p>9 And then later it talks about, after this,</p> <p>10 the dealer was not able to duplicate the concerns.</p> <p>11 Is it your understanding, from looking at</p> <p>12 this, that that is what was suspected in terms of this</p> <p>13 vehicle's stalling, that it was due to insufficient</p> <p>14 fuel or low gas pressure?</p> <p>15 MR. COOPER: Object to the form.</p> <p>16 THE WITNESS: Well, I think all I can tell</p> <p>17 you is that, you know, that was raised as an issue,</p> <p>18 right, so that they suspected that that could be a</p> <p>19 cause.</p> <p>20 BY MR. FRANKLIN:</p> <p>21 Q. Okay.</p> <p>22 VIDEOGRAPHER: One minute.</p> <p>23 MR. FRANKLIN: Okay. Do you want to switch</p> <p>24 the tape?</p> <p>25 VIDEOGRAPHER: This complete disc three.</p>
<p style="text-align: right;">194</p> <p>1 Q. Okay. Take your time.</p> <p>2 A. Okay.</p> <p>3 Q. This one involves -- at least the allegation is that</p> <p>4 the vehicle would cut off sporadically while sitting</p> <p>5 at a stoplight or stop signs or while driving.</p> <p>6 Do you see that?</p> <p>7 A. Yes.</p> <p>8 Q. So if a vehicle is -- in terms of your understanding</p> <p>9 about the allegations in this lawsuit that, you know,</p> <p>10 the key went from run to accessory while someone was</p> <p>11 driving, if someone is sitting at a traffic light,</p> <p>12 would you expect the key to be able to rotate from run</p> <p>13 to accessory and cause a vehicle to stall while</p> <p>14 sitting in a parked -- or at a traffic light or a stop</p> <p>15 sign?</p> <p>16 A. I guess I don't know. I hadn't thought about it. I</p> <p>17 suppose you -- there would have to be some movement.</p> <p>18 It seems inconsistent.</p> <p>19 Q. Please go to page 19314, and you were read portions of</p> <p>20 this report, and I want to direct your attention to --</p> <p>21 there is an entry there towards the bottom of the</p> <p>22 page. It's the full paragraph right before the bottom</p> <p>23 of the page. In other words, right here. It says</p> <p>24 "Dante Groomes," and this looks like it's -- I guess</p> <p>25 that's November 8, 2005?</p>	<p style="text-align: right;">196</p> <p>1 We are off the record at 4:39.</p> <p>2 (Discussion held off the record.)</p> <p>3 VIDEOGRAPHER: Back on the record at 4:41.</p> <p>4 This is disc four of the deposition of GM corporate</p> <p>5 rep Victor Hakim. Please proceed.</p> <p>6 BY MR. FRANKLIN:</p> <p>7 Q. Please skip to tab number 88, and that may be in the</p> <p>8 next notebook. I'm not sure.</p> <p>9 MR. COOPER: It is.</p> <p>10 BY MR. FRANKLIN:</p> <p>11 Q. I'm sorry, 89. Please go to 89.</p> <p>12 A. At least you didn't get me back the other way.</p> <p>13 Q. Yeah. It's Bates number 14019.</p> <p>14 A. Okay.</p> <p>15 Q. You were asked about this one earlier. This is the</p> <p>16 Thomas Spirling incident. And there was a lot of --</p> <p>17 there were references to the vehicle lurching forward</p> <p>18 or launching forward.</p> <p>19 In terms of your understanding about what</p> <p>20 happens when a vehicle stalls, is that something that</p> <p>21 you would expect, for a vehicle to lurch or to move</p> <p>22 forward when it is stalling, or is that a different</p> <p>23 condition?</p> <p>24 A. No, I -- when I saw this, it looked a little</p> <p>25 inconsistent or something else was going on when it --</p>



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<p style="text-align: right;">197</p> <p>1 when the statement here is that it -- "He tried 2 starting the vehicle, and then it lunged forward." 3 So it seemed a little inconsistent. It 4 doesn't seem to quite make sense with stalling. 5 Q. Okay. And again, in none of -- you've kind of talked 6 about the many different potential causes of a vehicle 7 stalling, and that in -- of all these that have been 8 presented to you today and that you've reviewed, the 9 actual cause of the stalling incident, including, you 10 know, a grounding issue in terms of the electrical 11 current or the throttle body or the generator or 12 alternator or the battery, or run to accessory or what 13 have you, any of those are potential causes of the 14 stalling in any of these claims that you've seen; 15 correct? 16 MR. COOPER: Object to the form. 17 THE WITNESS: Could be, sure. 18 BY MR. FRANKLIN: 19 Q. In fact, in these incidents that you've looked at, it 20 is not known in most instances what caused the 21 stalling incident; correct? 22 A. I believe that's true. 23 MR. FRANKLIN: I appreciate your time. I 24 have no further questions for you. 25 MR. COOPER: Just a couple of follow-ups.</p>	<p style="text-align: right;">199</p> <p>1 BY MR. COOPER: 2 Q. And from the claims we saw today -- I'll tell you that 3 Brooke Melton bought her vehicle from Bill Heard 4 Chevrolet on August 31st of 2005. And from the claims 5 we saw today, there were over 2,000 incidents, just 6 with these claims, before GM or Bill Heard sold Brooke 7 her vehicle. 8 Are you aware that before August 31st of 9 2005, even though GM was aware of all these claims, it 10 chose not to fix the problem with the ignition switch 11 in the vehicle? 12 MR. FRANKLIN: Object to form. 13 THE WITNESS: I haven't researched any of 14 that. So I guess I don't know the answer to that 15 question. 16 BY MR. COOPER: 17 Q. Are you aware of whether GM ever chose to warn Brooke 18 about the problem with Cobalt stalling before Bill 19 Heard sold her the Cobalt on August 31st of 2005? 20 A. No, I have no knowledge one way or the other on that 21 question. 22 Q. Do you think they should have? 23 MR. FRANKLIN: Object to form. 24 BY MR. COOPER: 25 Q. If they know about a problem with the vehicle</p>
<p style="text-align: right;">198</p> <p>1 RE-EXAMINATION 2 BY MR. COOPER: 3 Q. As we saw from the claims today, vehicle stalling can 4 be a dangerous condition, can't it? 5 MR. FRANKLIN: Object to form. 6 THE WITNESS: All right. So as a general 7 kind of question, I don't know that I can make that 8 assessment. You said from the claims that we saw 9 today. So I don't know that I can make that 10 assessment, you know, in that way. 11 BY MR. COOPER: 12 Q. Well, can vehicle stalling be a dangerous situation? 13 A. In the way you ask the question, you say can it be. 14 In general, stalling -- in general, you can control 15 the vehicle. You still have braking and steering. So 16 it's -- I suppose there could be instances, but I 17 can't say in general that that's, you know, always the 18 case. 19 Q. So I just want to make sure I understand your 20 testimony. Is it your testimony that vehicle stalling 21 is never a dangerous situation? 22 MR. FRANKLIN: Object to form. 23 THE WITNESS: No, certainly I wouldn't say 24 that. I would say, you know, it has to be assessed, 25 right, and each case would be different.</p>	<p style="text-align: right;">200</p> <p>1 stalling, shouldn't they tell her about it? 2 MR. FRANKLIN: Object to form. 3 THE WITNESS: Now, again, I can't -- in 4 general, I can't answer a question like that, so I -- 5 BY MR. COOPER: 6 Q. Are you aware, as of today, GM has still chosen not to 7 fix the problem with the ignition switch? 8 MR. FRANKLIN: Object to form. 9 THE WITNESS: I guess I'm not sure how to 10 answer that question. I know there is a service 11 bulletin and there is -- you know, there is a change 12 made to the key. But beyond that, I don't know. 13 BY MR. COOPER: 14 Q. Yeah, my question was more specific to the ignition 15 switch. 16 Are you aware that, as of today, GM has 17 still chosen not to fix the problem with the ignition 18 switch? 19 MR. FRANKLIN: Object to form. 20 THE WITNESS: Yeah, I'm not real familiar 21 with it. 22 BY MR. COOPER: 23 Q. And are you aware that before Brooke's accident which 24 resulted in her death, GM chose to never warn her 25 about the problem of the vehicle stalling due to a</p>



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201	203
1 defective ignition switch?	1 DEPOSITION ERRATA SHEET
2 MR. FRANKLIN: Object to form.	2
3 THE WITNESS: No, again, I can't answer	3
4 that question one way or the other. I don't know.	4 Our Assignment No. 442432/378398
5 MR. COOPER: No further questions. Thanks.	5 Case Caption: Melton vs. General Motors, et al.
6 VIDEOGRAPHER: This will complete today's	6
7 deposition of corporate representative Victor Hakim.	7
8 We are off the record at 4:50.	8 DECLARATION UNDER PENALTY OF PERJURY
9 (Exhibit No. 5 marked.)	9 I declare under penalty of perjury that I
10 (The deposition was concluded at 4:50 p.m.)	10 have read the entire transcript of my Deposition taken
11	11 in the captioned matter or the same has been read to
12	12 me, and the same is true and accurate, save and except
13	13 for changes and/or corrections, if any, as indicated
14	14 by me on the DEPOSITION ERRATA SHEET hereof, with the
15	15 understanding that I offer these changes as if still
16	16 under oath.
17	17
18	18 Signed on the _____ day of _____, 20____.
19	19 _____
20	20 VICTOR HAKIM
21	21
22	22
23	23
24	24
25	25

  

202	204
1 State of Michigan )	1 DEPOSITION ERRATA SHEET
2 County of Wayne )	2 Page No. _____ Line No. _____ Change to: _____
3	3
4 I certify that this transcript is a	4 Reason for change: _____
5 complete, true, and correct record of the testimony of	5 Page No. _____ Line No. _____ Change to: _____
6 the witness held in this case.	6
7 I also certify that, prior to taking this	7 Reason for change: _____
8 deposition, the witness was duly sworn or affirmed to	8 Page No. _____ Line No. _____ Change to: _____
9 tell the truth.	9
10 I further certify that I am not a relative	10 Reason for change: _____
11 or an employee of an attorney for a party, or a	11 Page No. _____ Line No. _____ Change to: _____
12 relative or an employee of a party; and that I am not	12
13 financially interested, directly or indirectly, in the	13 Reason for change: _____
14 matter.	14 Page No. _____ Line No. _____ Change to: _____
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16 June 19, 2013	16 Reason for change: _____
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22	22 Reason for change: _____
23 Angela E. Broccardo, CSR-4679	23
24 Notary Public, Wayne County, Michigan	24 SIGNATURE: _____ DATE: _____
25	25 VICTOR HAKIM



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205	
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24	SIGNATURE: _____ DATE: _____
25	VICTOR HAKIM